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> Chapter 21B. RELIGIOUS FREEDOM RESTORATION

> **Section 2000bb–1. Free exercise of religion protected**

42 U.S. Code § 2000bb–1. Free exercise of religion protected

U.S. Code Notes

(a) IN GENERAL

Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF

A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(Pub. L. 103-141, § 3, Nov. 16, 1993, 107 Stat. 1488.)

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Office of the Attorney General

Washington, D.C. 20530

October 6, 2017

MEMORANDUM FOR ALL COMPONENT HEADS AND UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL 

SUBJECT: Implementation of Memorandum on Federal Law Protections
for Religious Liberty

The President has instructed me to issue guidance interpreting religious liberty protections in federal law. Exec. Order 13798, § 4 (May 4, 2017). Pursuant to that instruction and consistent with my authority to provide advice and opinions on questions of law to the Executive Branch, I have undertaken a review of the primary sources for federal protection of religious liberty in the United States, along with the case law interpreting such sources. I also convened a series of listening sessions, seeking suggestions regarding the areas of federal protection for religious liberty most in need of clarification or guidance from the Attorney General.

Today, I sent out a memorandum to the heads of all executive departments and agencies summarizing twenty principles of religious liberty and providing an appendix with interpretive guidance of federal-law protections for religious liberty to support those principles. That memorandum and appendix are no less applicable to this Department than to any other agency within the Executive Branch. I therefore direct all attorneys within the Department to adhere to the interpretative guidance set forth in the memorandum and its accompanying appendix.

In particular, I direct the Department of Justice to undertake the following actions:

- All Department components and United States Attorney's Offices shall, effective immediately, incorporate the interpretative guidance in litigation strategy and arguments, operations, grant administration, and all other aspects of the Department's work, keeping in mind the President's declaration that "[i]t shall be the policy of the executive branch to vigorously enforce Federal law's robust protections for religious freedom." Exec. Order 13798, § 1 (May 4, 2017).
- Litigating Divisions and United States Attorney's Offices should also consider, in consultation with the Associate Attorney General, how best to implement the guidance with respect to arguments already made in pending cases where such arguments may be inconsistent with the guidance.
- Department attorneys shall also use the interpretive guidance in formulating opinions and advice for other Executive Branch agencies and shall alert the appropriate officials at such agencies whenever agency policies may conflict with the guidance.
- To aid in the consistent application of the Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. § 2000bb *et seq.*, and other federal-law protections for religious liberty, the Office of Legal Policy shall coordinate with the Civil Rights Division to

review every Department rulemaking and every agency action submitted by the Office of Management and Budget for review by this Department for consistency with the interpretive guidance. In particular, the Office of Legal Policy, in consultation with the Civil Rights Division, shall consider whether such rules might impose a substantial burden on the exercise of religion and whether the imposition of that burden would be consistent with the requirements of RFRA. The Department shall not concur in the issuance of any rule that appears to conflict with federal laws governing religious liberty, as set forth in the interpretive guidance.

- In addition, to the extent that existing procedures do not already provide for consultation with the Associate Attorney General, Department components and United States Attorney's Offices shall notify the Associate Attorney General of all issues arising in litigation, operations, grants, or other aspects of the Department's work that appear to raise novel, material questions under RFRA or other religious liberty protections addressed in the interpretive guidance. The Associate Attorney General shall promptly alert the submitting component of any concerns.

Any questions about the interpretive guidance or this memorandum should be addressed to the Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue N.W., Washington, D.C. 20530, phone (202) 514-4601.

Thank you for your time and attention to this important matter.



DoD INSTRUCTION 1300.17

RELIGIOUS LIBERTY IN THE MILITARY SERVICES

Originating Component:	Office of the Under Secretary of Defense for Personnel and Readiness
Effective:	September 1, 2020
Releasability:	Cleared for public release. Available on the Directives Division Website at https://www.esd.whs.mil/DD/ .
Reissues and Cancels:	DoD Instruction 1300.17, "Accommodation of Religious Practices Within the Military Services," February 10, 2009, as amended
Incorporates and Cancels:	Assistant Secretary of Defense for Force Management Policy Memorandum, "Sacramental Use of Peyote by Native American Service Members," April 25, 1997
Approved by:	Matthew P. Donovan, Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive 5124.02, this issuance:

- Establishes DoD policy in furtherance of the Free Exercise Clause of the First Amendment to the Constitution of the United States, recognizing that Service members have the right to observe the tenets of their religion, or to observe no religion at all.
- Establishes policy, assigns responsibilities, and provides procedures for the accommodation of religious practices of Service members.
- Establishes DoD policy on the accommodation of individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs), which do not have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety.
- Establishes DoD policy providing that an expression of sincerely held beliefs (conscience, moral principles, or religious beliefs) may not, in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.
- Implements requirements in Section 2000bb-1 of Title 42, United States Code (U.S.C), also known as "The Religious Freedom Restoration Act" (RFRA), and other laws applicable to the accommodation

of religious practices for DoD to provide, in accordance with the RFRA, that DoD Components will normally accommodate practices of a Service member based on a sincerely held religious belief.

- Requires DoD Components to oversee the development and provision of education and training on the policies and procedures pertaining to the accommodation of religious practices of Service members to commanders, judge advocates, chaplains, recruiters, and other personnel as deemed appropriate by the Military Department or Military Service concerned.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. The definitions, policies, procedures, and assignments of responsibility prescribed in this issuance apply only to the accommodation of religious practices of Service members and in no other context.

1.2. POLICY.

a. Pursuant to the Free Exercise Clause of the First Amendment to the United States Constitution, Service members have the right to observe the tenets of their religion or to observe no religion at all, as provided in this issuance.

b. In accordance with Section 533(a)(1) of Public Law 112-239, as amended, the DoD Components will accommodate individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs) which do not have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety. A Service member’s expression of such beliefs may not, in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

c. In accordance with Section 533(b) of Public Law 112-239, as implemented by DoD Instruction 1304.28, no Service member may require a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, nor may any Service member discriminate or take any adverse personnel action on the basis of the refusal by the chaplain to comply with such requirements. This does not preclude disciplinary or administrative action for conduct by a Service member that is proscribed by Chapter 47 of Title 10, U.S.C. (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

d. Requests for religious accommodation will be analyzed under the standard in Paragraph 1.2.e. of this issuance using the process in Section 3 of this issuance. Accommodation of practices reflecting a Service member’s sincerely held conscience or moral principles will be governed by the policies of the DoD Component concerned.

e. DoD Components have a compelling governmental interest in mission accomplishment at the individual, unit, and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order and discipline, and health and safety. In accordance with RFRA and the guidance in this issuance, DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief.

Accommodation includes excusing a Service member from an otherwise applicable military policy, practice, or duty. In accordance with RFRA, if such a military policy, practice or duty substantially burdens a Service member's exercise of religion, accommodation can only be denied if:

- (1) The military policy, practice, or duty is in furtherance of a compelling governmental interest.
- (2) It is the least restrictive means of furthering that compelling governmental interest.

In applying the standard in Paragraphs 1.2.e.(1) and 1.2.e.(2), the burden of proof is placed upon the DoD Component, not the individual requesting the exemption.

f. Requests for the accommodation of religious practices will be reviewed and acted on as soon as possible, in accordance with this issuance and any DoD Component implementing guidance.

g. In accordance with provisions in Paragraphs 1.2.e and 1.2.f of this issuance, immediate commanders may resolve requests for accommodation of religious practices that do not require a waiver of DoD Component policies regarding the wearing of military uniforms, the wearing of religious apparel, or Service grooming, appearance, or body art standards.

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)).

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the ASD(M&RA):

- a. Is responsible for the administration of this issuance and for oversight of the implementation of the policies and procedures it establishes. Issues guidance to the DoD Components, as necessary, concerning the accommodation of religious practices and the implementation of the policies in this issuance.
- b. Acts on Military Department requests regarding limitations on the use, possession, or transportation of peyote cactus for religious practices, in addition to those already listed in Paragraph 3.4. of this issuance, in accordance with Paragraph 3.4.a.(4) of this issuance.

2.2. DOD COMPONENT HEADS OTHER THAN THE SECRETARIES OF THE MILITARY DEPARTMENTS.

The DoD Component heads other than the Secretaries of the Military Departments:

- a. Ensure that requests for the accommodation of religious practices are processed or forwarded for review and action in accordance with this issuance and the implementing regulations and policies of the Military Department and Military Service to which the Service member belongs.
- b. Establish component regulations and policies to address the Service member's sincerely held conscience or moral principles in accordance with Paragraph 1.2.d. of this issuance.

2.3. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments:

- a. Adhere to all provisions of this issuance.
- b. Administer their respective programs and update existing regulations and policies, or develop and distribute new guidance, as appropriate, to implement the provisions of this issuance. Implementing issuances will, consistent with this issuance:
 - (1) Establish controls to ensure compliance with established procedures and processing timelines applicable to accommodation requests.
 - (2) Designate appropriate agency officials to review and act on the following:

(a) Requests for the accommodation of religious practices.

(b) Requests for an exemption to an otherwise applicable Military Department or Military Service policy in support of the requesting Service member's exercise of religion or furtherance of religious practices, including, but not limited to, requests pertaining to:

1. Religious apparel, including religious body art.

2. Grooming.

3. Medical practices, including DNA (deoxyribonucleic acid) specimen sampling and immunizations.

(c) Requests from a Service member's command to rescind a previously granted accommodation.

(3) Ensure, to the greatest extent practical, the consistent application of the policies and procedures prescribed by this issuance to similarly situated requests for the accommodation of religious practices throughout their respective Military Departments.

(4) Develop and implement a standards-based approach to the review of, and final action on, requests for the accommodation of religious practices to promote predictable outcomes for the same or similar requests. Such standards will be evidence-based and address commonly requested accommodations. The Military Departments and Military Services will issue or update applicable regulations and policies to authorize officers or officials at the lowest appropriate level of command or supervision to review and take final action on requests for accommodations covered by such standards, in accordance with this issuance. The absence of a standards-based approach to a requested accommodation will not, standing alone, serve as the basis for denying the request. Such a standards-based approach may include:

(a) A list of accommodations of religious practices that may, in ordinary circumstances, be granted to a member serving in a particular military occupational specialty, rating, specialty code, or duty assignment.

(b) Specific guidance on factors to be considered in making individual determinations with regard to a commonly requested or other accommodation of religious practices. Such factors may include those enumerated in Paragraph 3.2.d. of this issuance.

(c). Provide information about the policies and procedures governing the accommodation of religious practices and religious expression to prospective Service members, in accordance with Paragraph 3.2.i. of this issuance.

(d) Request, as appropriate, approval from the ASD(M&RA) regarding limitations on the use, possession, or transportation of peyote cactus for religious practices, in addition to those already listed in Paragraph 3.4. of this issuance, in accordance with Paragraph 3.4.a.(4) of this issuance.

(5) Oversee the development and provision of education and training on the policies and procedures pertaining to the accommodation of religious practices of Service members to:

- (a) Commanders.
- (b) Judge advocates.
- (c) Chaplains.
- (d) Recruiters.
- (e) Other personnel as deemed appropriate by the Military Department or Military Service concerned.

SECTION 3: PROCESSING ACCOMMODATION REQUESTS

3.1. ACCOMMODATION REQUESTS.

a. Service members submitting a request for accommodation will continue to comply with the policy, practice, or duty from which an accommodation has been requested unless and until informed that the request has been approved by the appropriate authority. Exceptions to this requirement may only be granted in exceptional circumstances, in accordance with the implementing regulations and policies promulgated by the Military Department and Military Service concerned.

b. Requests for accommodation submitted by a cadet or midshipman enrolled at a Military Service Academy or in a Senior Reserve Officers' Training Corps program will be addressed in accordance with this issuance and the implementing regulations and policies promulgated by the Military Department and Military Service concerned.

c. Nothing in this issuance precludes disciplinary or administrative action for conduct by a Service member that is prohibited by Chapter 47 of Title 10, U.S.C., also known as "The Uniform Code of Military Justice."

3.2. REVIEW OF AND ACTION ON REQUESTS FOR THE ACCOMMODATION OF RELIGIOUS PRACTICES.

a. Adjudication Authority.

Requests for the accommodation of religious practices that can be approved consistent with Military Department and Military Service regulations or policies, (e.g., current uniform and grooming standards) will be reviewed and acted on at the lowest appropriate level of command or supervision, as provided in the regulations and policies of the Military Department and Military Service concerned and in accordance with this issuance. Requests for the accommodation of religious practices that require the waiver of otherwise applicable Military Department and Military Service regulations and policies will be forwarded to the Secretary of the Military Department concerned. Records concerning requests for accommodations will be maintained in accordance with DoD Instruction 5400.11.

b. Delegation.

The Secretary of a Military Department may delegate, in writing, the authority to act on requests for the accommodation of religious practices that require the waiver of otherwise applicable Military Department and Military Service regulations and policies only as described in Paragraph 3.2.b.(1) through 3.2.b.(3).

(1) Department of the Army.

Delegation may be no lower than the Deputy Chief of Staff, G-1.

(2) Department of the Navy.

Delegation may be no lower than the Chief of Naval Personnel, or the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs, as appropriate.

(3) Department of the Air Force.

Delegation may be no lower than the Air Force Deputy Chief of Staff for Manpower, Personnel, and Services, or the Deputy Chief of Space Operations for Personnel and Logistics Services, as appropriate.

c. Review and Action Timelines.

Requests for the accommodation of religious practices will be reviewed and acted on as soon as practicable, and no later than the timelines provided in Table 1. Exceptions to this review and action timeline may be granted only in exceptional circumstances, as determined by the regulations and policies of the Military Department and Military Service concerned.

Table 1. Review and Action Timeline for Processing Accommodation Requests

Action to be Taken	For Requests Within the United States	For Requests Outside the United States or for Reserve Component Service Members Not on Active Duty
Action on Requests for Religious Accommodation that Can Be Approved Consistent with Existing Military Department or Military Service Regulations or Policies		
Review and final action completed and written notification to requesting Service member provided	No later than 30 business days from Service member submission	No later than 60 days from Service member submission
Action on Requests for Religious Accommodation that Require the Waiver of Otherwise Applicable Military Department or Military Service Regulations or Policies		
Written request for accommodation received by the Office of the Secretary concerned ¹	No later than 30 days from Service member submission to commander or supervisor	No later than 60 days from Service member submission to commander or supervisor
Review and final action completed and written notification to requesting Service member provided	No later than 60 days from receipt by the Office of the Secretary concerned. ¹ Must be provided to the Service member within 5 days of final action	
¹ Unless authority is delegated to a subordinate official in accordance with Paragraph 3 2 b of this issuance		

d. Factors for Consideration.

Officials charged with making recommendations or taking final action on a Service member's request for the accommodation of religious practices will review each request

individually, considering the full range of facts and circumstances relevant to the specific request. Factors to consider include:

(1) The compelling governmental interest in mission accomplishment, including military readiness, unit cohesion, good order and discipline, or health and safety.

(2) Alternate means available to address the requested accommodation. The means that is least restrictive to the requestor's religious practice and that does not impede a compelling governmental interest will be determinative.

e. Notice of Resolution.

A Service member will be promptly informed of the approval or disapproval of his or her request for accommodation in accordance with Table 1.

(1) A Service member's request for the accommodation of religious practices may be granted in whole or in part. The Service member will be informed in writing of any conditions or limitations placed on the grant that are necessary to meet the DoD's compelling governmental interest in mission accomplishment, such as, for example, conditions related to:

(a) Deployment;

(b) Health and safety issues relative to particular assignments or types of assignments; or

(c) Training events or ceremonial occasions that require a Service member to conform to military standards to protect health and safety, or maintain good order and discipline.

(2) A Service member whose request is granted in part will be informed, in writing, of the specific elements of that approval.

f. Administrative Appeal Process.

The regulations and policies of a Military Department or Military Service implementing this issuance will provide a process for Service members to appeal the denial of a request for accommodation of religious practices, or any condition on such accommodation. Appeals will be sent to an official in the chain of command or chain of supervision above the officer or official who took final action on the request. No further administrative appeal will be available for a decision made by the Secretary of the Military Department.

g. Accommodation Duration and Proposals to Rescind a Granted Accommodation.

An approved request for accommodation will remain in effect during follow-on duties, assignments, or locations, and for the duration of a Service member's military career, including after promotions, reenlistment or commissioning, unless and until rescinded in accordance with the requirements of this issuance.

(1) In accordance with this issuance and the implementing policies and regulations of the Military Department and Military Service concerned, an approved accommodation may be subject to review and rescission, in whole or in part, at any time, based upon a determination that the circumstances under which the grant of accommodation was approved have changed (e.g., deployment, new duties, or other material change in circumstances). The Military Department or Military Service concerned—not the individual Service member—bears the burden of initiating a proposal to review and rescind an accommodation previously granted.

(2) When a Military Department or Military Service initiates a proposal to review and rescind an accommodation previously granted, an appropriate officer or official will forward a written summary of the nature of the materially changed circumstances that require such review and repeal to the Service member concerned for comment.

(a) The Service member will be:

1. Allotted no fewer than 10 days to review and comment on the proposed rescission of the accommodation.

2. Afforded the opportunity to review and comment on any endorsements of this proposal from the chain of command.

3. Afforded, subject to security classification requirements, the opportunity to review and comment on any documents or attachments to the proposal or subsequent endorsements.

(b) Any comments submitted by the Service member will be forwarded for consideration by the appropriate official authorized to act on the matter, in accordance with this issuance.

(3) A proposal to review and rescind a previously approved accommodation must be acted on at a level of authority no lower than that at which the accommodation was granted, in accordance with this issuance and the regulations and policies of the Military Department and Military Service concerned implementing this issuance. The standard for repealing a previously granted accommodation, in whole or in part, is the same as the standard for denying a request for the accommodation of religious practices in the first place, and the same factors must be considered, as appropriate.

h. Accommodation Modification or Suspense Under Exigent Circumstances.

Under exigent circumstances and in furtherance of a compelling governmental interest due to operational necessity, when time is of the essence and no less restrictive means of religious accommodation are available, a commander at a level determined by the Military Department or Military Service concerned may temporarily modify or suspend accommodations granted, upon notice to the Service member concerned and without benefit of appeal. The level of this commander must be no lower than the officer exercising Summary Court-Martial Convening Authority over a Service member who has previously been granted an accommodation of religious practices.

(1) To the extent practicable, the commander concerned, if not a general officer or flag officer, or member of the senior executive service, will notify, in advance, the first general officer or flag officer, or member of the senior executive service, as appropriate, in the affected Service member's chain of command or supervision, of the commander's intent to modify or suspend a previously granted accommodation. When such advance notice is not practicable, the commander concerned will notify the appropriate general officer or flag officer, or member of the senior executive service, as appropriate, as soon as circumstances permit.

(2) The Service member concerned may be required to immediately comply with the modification or suspension of an accommodation, if circumstances so warrant.

(3) The modification or suspension of the accommodation will apply for only the minimum period required by the circumstances.

i. Pre-accession Procedures.

(1) Applicants to the Military Services will be informed of the policies and procedures for the accommodation of religious practices in accordance with this issuance, and as implemented by the Military Department or Military Service concerned. These applicants include individuals who apply for:

- (a) A commissioning program;
- (b) A warrant officer program;
- (c) Enlistment or entry in the Military Services;
- (d) Reenlistment (or reentry) in the Military Services;
- (e) Enrollment in a Military Service Academy or a Senior Reserve Officers' Training Corps program (including Military Service Academy preparatory schools); or
- (f) The award of a scholarship or other benefit that requires a commitment to serve as a Service member.

(2) The Military Departments and Military Services will develop processes for the review and action on pre-accession requests for the accommodation of religious practices and establish those processes in appropriate regulations and policies. Such processes must provide applicants the opportunity to submit a request for accommodation of religious practices, and receive a final decision on that request, before participation in the commissioning program, warrant officer program, enlistment, reenlistment, enrollment in a Military Service Academy or a Senior Reserve Officers' Training Corps program, or award of such scholarship or benefit. The review and processing of such requests must be consistent with this issuance.

3.3. REQUIRED PRINCIPLES AND RULES FOR MILITARY REGULATIONS AND POLICIES.

DoD Component regulations and policies must include the following principles and rules:

a. Worship practices, holy days, and Sabbath or similar religious observance requests will be accommodated to the extent possible, consistent with mission accomplishment and will normally not require a religious accommodation request.

b. A Service member's religious practices will be considered in acting on a request for separate rations. Accommodation requests for separate rations may be adjudicated at the command level.

c. A Service member's religious practices will be considered in acting on a request for exemption from required medical practices. Action on a request for medical exemption must be consistent with mission accomplishment, including consideration of potential medical risks to other persons comprising the unit or organization.

d. The following rules govern the wear of items of religious apparel:

(1) In accordance with Section 774 of Title 10, U.S.C., Service members may wear items of religious apparel while in uniform, except in circumstances in which wearing the item would interfere with the performance of the member's military duties or the item of apparel is not neat and conservative. The Military Departments and Military Services will prescribe regulations governing the wear of such items. Factors that may be considered in determining whether an item of religious apparel interferes with military duties include, but are not limited to, whether the item:

(a) Impairs the safe and effective operation of weapons, military equipment, or machinery.

(b) Poses a health or safety hazard to the Service member wearing the religious apparel or to others.

(c) Interferes with the wear or proper function of special or protective clothing or equipment (e.g., helmets, protective masks, wet suits).

(d) Otherwise impairs mission accomplishment.

(2) Religious items or articles not visible or apparent may be worn with the uniform, provided they do not interfere with the performance of the Service member's military duties, as described in Paragraph 3.3.d.(1) of this issuance, and do not interfere with the proper wear of any authorized article of the uniform.

(3) Under regulations and policies of the Military Department and Military Service concerned, religious headgear may be worn with the uniform whenever a military cap, hat, or other headgear is not prescribed. Religious headgear may also be worn underneath prescribed

military headgear, provided it does not interfere with the proper wear, function, or appearance of the headgear, as described in Paragraph 3.2.d.(1).

(4) Notwithstanding any other provision in this issuance, while conducting worship services and during the performance of rites and rituals associated with his or her religious faith, a chaplain may wear with the military uniform any required religious apparel or accouterments associated with the traditions or practices of his or her religious faith.

(5) In evaluating requests for the accommodation of religious practices related to body art, these factors will be among those considered:

(a) Whether the body art is neat and conservative.

(b) The location of the body art, including whether the body art is visible when the Service member is wearing the military uniform.

3.4. ADDITIONAL GUIDANCE REGARDING THE USE OF PEYOTE.

a. There are additional rules governing the use of peyote in religious practices. In accordance with Section 1996a of Title 42, U.S.C. (also known as the “American Indian Religious Freedom Act Amendments of 1994”), Service members who are members of Indian tribes as defined in that statute may use, possess, or transport the peyote cactus as a religious sacrament in connection with the bona fide practice of a traditional Indian religion, and will not be penalized or discriminated against on the basis of such use, possession, or transportation. Reasonable limitations on the use, possession, transportation, or distribution of peyote may be imposed to promote military readiness, promote safety, or comply with international law or laws of other countries. The Secretaries of the Military Departments will prescribe regulations authorizing the use, possession, or transportation of peyote cactus and imposing limitations on such use, possession, or transportation including, but not limited to, the following:

(1) Peyote will not be used on duty or within 24 hours before scheduled military duty.

(2) Peyote may be possessed in amulet form, not for ingestion, and such an amulet may be worn as an item of religious apparel subject to Military Service uniform regulations. Otherwise, peyote will not be used, possessed, distributed, or introduced aboard military vehicles, vessels, or aircraft or, except when permitted by the installation commander, on military installations.

(3) A Service member who has used peyote will promptly notify their commander upon return to duty after such use.

(a) The Secretary of the Military Department concerned may require pre-use notification by Service members performing designated duties when it is in the interest of military readiness or safety to notify commanders of a Service member’s intent to use peyote.

(b) Upon notification of use or intended use of peyote, the Service member will provide documentation verifying membership in an Indian tribe as defined by Section 1996a(c)(2) of Title 42, U.S.C.

(4) The establishment by the Secretary of a Military Department of limitations on the use, possession, or transportation of peyote cactus, in addition to those already listed in Paragraph 3.4. of this issuance, must be consistent with RFRA, the Free Exercise Clause of the First Amendment to the Constitution of the United States, any other applicable statutes such as the American Indian Religious Freedom Act Amendments of 1994, and this issuance. Any such additional limitations must be approved, in advance, by the ASD(M&RA). Before approving any additional limitation proposed by the Secretary of a Military Department, the ASD(M&RA) will consult with representatives of traditional Indian religions for which the sacramental use of peyote is integral to their practice, pursuant to Section 1996a(b)(7) of Title 42, U.S.C.

b. Requests by Service members for the accommodation of a religious practice involving the use, possession, or transportation of any substance other than peyote, the use, possession, transportation, manufacturing, or distribution of which is prohibited by law or policy, will be forwarded to the Secretary of the Military Department concerned for resolution. Before taking final action on any such accommodation request, the Secretary of the Military Department concerned will notify the ASD(M&RA).

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
RFRA	Religious Freedom Restoration Act
U.S.C.	United States Code

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
compelling government interest	In the DoD, a military requirement that is essential to accomplishment of the military mission. In accordance with Paragraph 1.2.e. of this issuance, DoD Components have a compelling governmental interest in mission accomplishment at the individual, unit, and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order and discipline, and health and safety.
neat and conservative	<p>In the context of the wear of a military uniform, items of religious apparel that:</p> <p>Are discreet, tidy, and not dissonant or showy in style, size, design, brightness, or color.</p> <p>Do not replace or interfere with the proper wear of any authorized article of the uniform.</p> <p>Are not temporarily or permanently affixed or appended to any authorized article of the uniform.</p>
pre-accession	The period of time before a prospective Service member's participation in a commissioning program, warrant officer program, enlistment (or entry), reenlistment (or reentry), or enrollment in a Military Service Academy or a Senior Reserve Officers' Training Corps program.

TERM	DEFINITION
religious apparel	Articles of clothing, jewelry or other such accoutrements the wearing of which is part of the observance of the religious faith practiced by the Service member.
religious body art	Temporary or permanent tattoos, piercings through the skin or body parts, or other modifications to the body that are a part of a Service member's religious practice.
religious practice	An action, behavior, or course of conduct constituting individual expressions of religious beliefs, whether or not compelled by, or central to, the religion concerned.
substantial burden	<p>A governmental act is a substantial burden to a Service member's exercise of religion if it:</p> <ul style="list-style-type: none">Requires participation in an activity prohibited by a sincerely held religious belief;Prevents participation in conduct motivated by a sincerely held religious belief; orPlaces substantial pressure on a Service member to engage in conduct contrary to a sincerely held religious belief.

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

DoD Instruction 1304.28, “Guidance for the Appointment of Chaplains for the Military Departments,” June 11, 2004, as amended

DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019

Section 533 of Public Law 112-239, the “National Defense Authorization Act for Fiscal Year 2013,” December 18, 2012, as amended

United States Code, Title 10

United States Code, Title 42

United States Constitution



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B CH-1
ASN (M&RA)/N097
28 March 2012

SECNAV INSTRUCTION 1730.8B CHANGE TRANSMITTAL 1

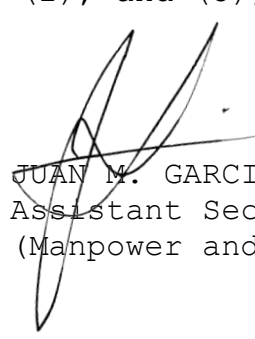
From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Encl: (1) Revised Page 3
(2) Revised Page 4
(3) Revised Page 8

1. Purpose. To transmit new pages 3, 4, and 8 of the basic instruction replacing obsolete language relative to dietary accommodation and clarifying the factors commanders consider when making determination to grant a request for religious accommodation thereby ensuring that commanders do not treat requests for religious accommodation as personal requests for general accommodation but afford such requests the proper consideration due their religious nature.

2. Action. Remove pages 3, 4, and 8 of the basic instruction and replace with enclosures (1), (2), and (3), respectively, of this change transmittal.


JUAN M. GARCIA III
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Distribution:

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DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B
N097
02 October 2008

SECNAVINST 1730.8B

From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Ref: (a) DoD Directive 1300.17, of 3 Feb 88
(b) U.S. Navy Regulations, 1990
(c) DoD 7000.14-R, Vol. 7A, of Feb 02
(d) DoD Directive 5154.24, of 3 Oct 01
(e) Title 10, United States Code

1. Purpose. To provide policy and guidance for the accommodation of religious practices within the Department of the Navy (DON) under reference (a). The DON recognizes that religion can be as integral to a person's identity as one's race or sex. The DON promotes a culture of diversity, tolerance, and excellence by making every effort to accommodate religious practices absent a compelling operational reason to the contrary. During a service member's career in the DON, he or she will be exposed to a wide variety of religious expressions from both chaplains and other service members. It is DON policy to foster mutual respect for diverse religious expressions, which includes accommodating as many of them as possible at the command level. Chaplains are the Navy's only trained professional religious accommodators. Assisted by religious program specialists, they provide for and facilitate the religious needs of authorized personnel. The Chaplain Corps' capabilities are critical to the commander's ability to successfully meet the requirement for the free exercise of religion set forth in the U.S. Constitution.

2. Cancellation. SECNAVINST 1730.8A.

3. Applicability. The policies and procedures in this instruction apply solely to the accommodation of religious practices within the DON and no other context.

4. Definitions

a. Department of the Navy. The DON, for purposes of this instruction, includes applicants for entry to, and members of, the Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, as

well as midshipmen at the U.S. Naval Academy and in the Reserve Officer Training Corps, and officers and officer candidates in all officer accession programs.

b. Religious Observance. Religious observances include participating in worship services and following other doctrinal requirements on Sabbath and holy days.

c. Religious Dietary Observances. Religious dietary observances include doctrinal or traditional requirements on types of foodstuffs allowed or the means of food preparation.

d. Religious Apparel. Religious apparel is defined as articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the service member. Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel.

e. Religious Medical Practices. Religious medical practices include doctrinal or traditional objections to receiving immunizations and providing Deoxyribonucleic Acid (DNA) specimen samples.

5. Policy. DON policy is to accommodate the doctrinal or traditional observances of the religious faith practiced by individual members when these doctrines or observances will not have an adverse impact on military readiness, individual or unit readiness, unit cohesion, health, safety, discipline, or mission accomplishment.

a. Accommodation of a member's religious practices cannot be guaranteed at all times and is subject to military necessity. Determination of necessity rests entirely with the commanding officer.

b. The guidelines in this instruction shall be used in the exercise of command discretion concerning the accommodation of religious practices. Nothing in these guidelines, except as expressly provided herein, shall be interpreted to require a specific form of accommodation in individual circumstances.

c. All requests for accommodation that can be approved by the commanding officer shall be approved or denied, absent unusual circumstances, within 1 week of the date of request.

Requests that require approval from the headquarters level shall be approved or denied within 30 days of the date of request for cases arising in the United States, and within 60 days for all other cases. Exceptions to these deadlines shall be limited to unusual circumstances.

d. Any request for accommodation that is denied is subject to appeal as follows.

(1) The requesting member shall be informed by the commanding officer of the right to appeal the decision up the chain of command.

(2) Requests denied by the commanding officer shall be appealed to the next higher level of command. Subsequent appeals shall be made at successive levels of command up to and including the Chief of Naval Operations (CNO) or Commandant of the Marine Corps (CMC) as appropriate.

(3) The next level of command will either overturn or uphold the contested decision within 30 days of the date of appeal for cases arising in the United States, and within 60 days for all other cases. Absent unusual circumstances, exceptions to these deadlines shall be limited.

(4) Denied requests regarding the wear of religious apparel shall be appealed directly to the CNO or the CMC per reference (a). The CNO and CMC will provide an information copy of the approval or denial to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)).

(5) The decision of the CNO or CMC shall not be subject to appeal.

6. Religious observances shall be accommodated, except by reason of necessity, as provided in reference (b). In scheduling, commanders should be mindful of major religious observances.

7. Dietary Observance. Commanders afloat and ashore should accommodate religious dietary observances to the fullest possible extent within the limits and guidelines established by this policy. Commanders normally accommodate religious dietary observances through a standard core menu that supports many

religious dietary requirements, and or by issuing Meals Ready to Eat, Religious (MRE-R), or through other appropriate means. To the extent that health, safety, or readiness in the unit is not compromised, commanding officers should authorize individuals to provide their own supplemental food rations at sea or in the field environment to accommodate their religious dietary observances.

8. Immunizations. Immunization requirements may be waived when requested by the member based on religious objection.

a. The religious objection of the service member must be balanced against the medical risk to the member and the military unit, and military requirements such as alert status, deployment potential, and availability of the member for reassignment to units requiring full medical readiness. To provide for consistent application of these guidelines, immunization waivers will be decided by the Surgeon General of the Navy (CNO (N093)) or headquarters level designee. Individual requests shall be submitted to Chief, Bureau of Medicine and Surgery (MEDCOM-24), via the commanding officer and Deputy Chief of Naval Operations, Manpower, Training and Education (CNO (N1)) or CMC Deputy Chief of Staff for Manpower and Reserve Affairs (DCS (M&RA)), as appropriate.

b. Commanding officers may subsequently revoke waivers for service members at imminent risk of disease due to exposure or to conform to international health regulations incident to foreign travel or unit deployment. The guidance in paragraph 11e on irresolvable differences must be considered in such circumstances.

9. Deoxyribonucleic Acid (DNA) Specimen Sampling

a. Requests for waiver of the DNA specimen sample requirement will be decided by CNO (N1) or CMC (DCS (M&RA)). Individual requests shall be submitted to CNO (N1) or CMC (DCS (M&RA)), as appropriate, via the commanding officer.

b. When determining whether to grant a request for waiver based on religious medical practices, the five factors contained in paragraph 11c as supplemented by the following shall be considered:

(1) DNA analysis fulfills the military requirement of quickly and accurately identifying the remains of service members under reference (d). DNA analysis is not conducted on the specimen unless necessary for identification of remains or for other narrowly defined purposes. The specimen sample will be destroyed at the request of the member upon completion of service.

(2) The cumulative impact of repeated accommodations of a similar nature and previous treatment of similar requests may set a precedent that could adversely impact other Department of Defense (DoD) medical policies and programs, including mandatory pre-deployment processing, medical screening activities, Human Immunodeficiency Virus testing and medical surveillance program serum collection.

10. Uniforms

a. When approved by competent military authority, religious apparel not visible or otherwise apparent may be worn with the uniform, provided it does not interfere with the performance of the member's military duties or interfere with the proper wearing of any authorized article of the uniform.

b. When approved by competent military authority, visible items of religious apparel will be authorized for wear with the uniform, except when the item is not neat and conservative, its wearing will interfere with the performance of the member's military duties, or is specifically prohibited in subparagraphs 10d and 10e. In the context of the wearing of a military uniform, "neat and conservative" items of religious apparel are those that:

(1) Are discreet, tidy, and not dissonant or showy in style, size, design, brightness or color.

(2) Do not replace or interfere with the proper wearing of any authorized article of the uniform.

(3) Are not temporarily or permanently affixed or appended to any article of the uniform.

(4) Do not obscure the identity of the wearer or interfere with communication.

c. The standards in subparagraph 10b, and the prohibitions in subparagraphs 10d and 10e, are intended to serve as a basis for determining a service member's authorization to wear religious apparel with the uniform. Unless prohibited by subparagraph 10d or 10e, religious apparel shall be authorized.

d. Whether an item of religious apparel interferes with the performance of the service member's military duties depends on the characteristics of the item, the circumstances of its intended wear, and the particular nature of the member's duties. Factors in determining if an item of religious apparel interferes with the military duties include, but are not limited to, whether the item may:

(1) Impair the safe and effective operation of weapons, military equipment, or machinery.

(2) Pose a health or safety hazard to the wearer or others.

(3) Interfere with the wearing or proper functioning of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflage uniforms, gas masks, wet suits, and crash and rescue equipment).

(4) Otherwise impair the accomplishment of the military mission.

e. Visible items of religious apparel shall not be worn while wearing historical or ceremonial uniforms; participating in review formations, parades, honor or color guards and similar ceremonial details or functions.

f. Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief may be worn subject to the same uniform regulations prescribed for jewelry that is not of a religious nature.

g. Chaplains may wear any religious apparel required by their religious organizations with the uniform while conducting public worship services and during the performance of rites and rituals distinct to their faith groups.

h. Service members may wear any required religious apparel distinct to their faith group with the uniform while in attendance at public worship services.

i. Subject to the guidelines in subparagraph 4d, and the limitations in subparagraphs 10b, 10d, and 10e, commanding officers shall approve individual requests for wearing visible religious apparel with the uniform in circumstances other than attendance at public worship services. Visible items of religious apparel may not be worn with the uniform until approved.

j. A member whose request to wear a visible item of religious apparel has been approved by their commanding officer must again request approval when reporting to a new command or when a new commanding officer reports.

11. Responsibilities

a. Members seeking religious accommodation must submit their request in writing through their chain of command to their commanding officer, commander, or as otherwise specified in this instruction.

b. Commanders will respond to requests for accommodation in a just and timely manner, supporting religious freedom and respect for religious diversity within the Sea Services.

c. Commanders and commanding officers shall approve requests for religious accommodation within the guidelines of this instruction. To promote standard procedures for the accommodation of religious practices, commanding officers shall consider the following factors:

(1) The importance of military requirements, including individual readiness, unit readiness, unit cohesion, health, safety, morale, discipline, and mission accomplishment.

(2) The religious importance of the accommodation to the requester.

(3) The cumulative impact of repeated accommodations of a similar nature.

(4) Alternative means available to meet the requested accommodation.

(5) Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons. Religious requests should be considered at least as favorably as non-religious requests. A request for religious accommodation should not be denied simply because a similar non religious request was denied.

d. When requests are precluded by military necessity, commanders should seek reasonable alternatives.

e. When requests for accommodation are not in the best interests of the unit but continued tension between the unit's requirements and the individual's religious beliefs is apparent, administrative action is authorized, including but not limited to: reassignment, reclassification, or separation consistent with Secretary of the Navy (SECNAV) and Service regulations.

f. Commanding officers shall report each decision to approve or deny a request for religious accommodation up the chain of command to CNO (N1) or CMC (DSC (M&RA)) as appropriate.

g. Nothing in this instruction precludes action under the Uniform Code of Military Justice in appropriate circumstances.

h. The Chief of Chaplains will annually report to the SECNAV, the CNO and the CMC on religious demographics and religious diversity in the DON.

i. The Chief of Chaplains will provide procedures for commanders to record and report their decisions regarding requests for accommodation.

12. Information and Education

a. The CNO and CMC shall provide DON policy on accommodation of individual religious practices and military requirements in paragraphs 5 and 5a of this instruction to applicants for commissioning, enlistment and reenlistment, and shall require the member's signature acknowledging the DON policy.

b. The CNO and CMC shall incorporate relevant materials on religious traditions, practices, policies, this instruction, and reference (e), in curriculum for command, judge advocate, chaplain and similar courses of instruction and orientation.

13. Action


a. ASN(M&RA) is responsible for overall policy control and program execution.

b. The CNO and CMC shall implement the policies and procedures in this instruction.

c. The CNO and CMC shall review Service regulations governing uniforms, food service, separate rations, immunizations, and DNA sampling and revise them as necessary in order to conform to this instruction within 90 days from the date of this instruction and provide copies of each such regulation revision to ASN(M&RA).

d. CNO (N1) and CMC (DCS (M&RA)) shall collect, maintain and make available to the Chief of Navy Chaplains (CNO (N097)) the data concerning religious diversity, religious demographics and statistics related to the approval and denial of requests for religious accommodation.

14. Records Management. Records created by this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.



Donald C. Winter

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<http://doni.daps.dla.mil/>



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

ACTION MEMO

FOR: ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)

FROM: VADM S. R. Van Buskirk, Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)

SUBJECT: United States Navy Religious Accommodation Process

- Mr. Secretary, request you grant authority for N1 to approve all religious accommodation requests. TAB B is a similar authorization granted to the Marine Corps on November 1, 2012.
- The Secretary of Defense directed the services to review and ensure sufficient clarity and specificity in religious accommodation processes; consistent with the Chairman of the Joint Chiefs of Staff (CJCS) and Service Chiefs' intent to ensure that appropriate levels exercise regulatory waiver authority, the U.S. Navy developed a process by which requests for religious accommodation (grooming or apparel, only) will be addressed in accordance with pertinent law, rules, regulations and instructions.
- The Navy religious accommodation process has a twofold purpose: first, to maintain the fighting capability of the Navy at the highest level; and second, to accommodate the religious practices of members where and when appropriate.
- Upon receipt of a request, DCNO (N1) will consider the totality of the request as well as precedence, approve or disapprove, in whole or in part, and send the decision, via the chain of command, to the requestor. The denial of a request is subject to review by the Chief of Naval Operations (CNO). The requestor, upon receipt of the DCNO (N1) decision, may appeal that decision to the CNO, whose decision is final.
- The process alters pre-existing practice, but maintains the service-level oversight twice determined necessary by the CJCS and Service Chiefs. This process provides appropriate and consistent accommodation determinations within the requirements of the pertinent instructions, regulations, and law, as recommended by OSD.
- I am working with the Chief of Chaplains and DC (M&RA) on a re-write of SECNAVINST 1730.8C that codifies this change at which time, this action memo is no longer required.

SUBJECT: United States Navy Religious Accommodation Process

RECOMMENDATION: Approve request by initialing below as appropriate:

Approve MB Disapprove _____

ATTACHMENTS: 46 Jun 13

As stated

COORDINATION: TAB C

Prepared By: LCDR Danielle DeFant, N131, (703)604-5053



DEPARTMENT OF THE NAVY
CHIEF OF NAVAL PERSONNEL
701 SOUTH COURTHOUSE ROAD
ARLINGTON VA 22204-2472

BUPERSINST 1730.11A CH-1
N13
11 Mar 2022


BUPERS INSTRUCTION 1730.11A CHANGE TRANSMITTAL 1

From: Chief of Naval Personnel

Subj: STANDARDS AND PROCEDURES GOVERNING THE ACCOMMODATION OF
RELIGIOUS PRACTICES

Encl: (1) Revised Page 10

1. Purpose. To transmit new page 10 of the basic instruction adding clarification.
2. Action. Remove page 10 of the basic instruction and replace with enclosure (1) of this change transmittal.


JOHN B. NOWELL, JR
Deputy Chief of Naval Operations
(Manpower, Personnel, Training,
And Education)

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via BUPERS/NAVPERSCOM Web site, <https://www.mynavyhr.navy.mil/Support-Services/Religious-Accommodations/>



DEPARTMENT OF THE NAVY
CHIEF OF NAVAL PERSONNEL
701 SOUTH COURTHOUSE ROAD
ARLINGTON VA 22204-2472

BUPERSINST 1730.11A
N13
16 Mar 2020

BUPERS INSTRUCTION 1730.11A

From: Chief of Naval Personnel

Subj: STANDARDS AND PROCEDURES GOVERNING THE ACCOMMODATION OF
RELIGIOUS PRACTICES

Ref: (a) DoD Instruction 1300.17 of 10 February 2009
(b) SECNAVINST 1730.8B
(c) NAVPERS 15665I
(d) BUMEDINST 6230.15B

Encl: (1) Sample Request for Waiver of Policy to Accommodate a Religious Practice
(Template)
(2) Chaplain Interview Checklist (Template)
(3) Chaplain Memorandum for the Record (Template)
(4) Religious Accommodation Approval or Endorsement (Template)

1. Purpose. To provide policy, guidance, procedures and responsibilities for the accommodation of practices in support of sincerely held religious beliefs for Sailors and prospective accessions, per references (a) and (b). Reference (c) provides the Navy's manner of wear policy for the most commonly requested waivers of uniform and grooming standards in support of religious practices, as delineated in paragraph 5.

a. This revision updates policy, guidance and procedures for the accommodation of practices in support of sincerely held religious beliefs.

b. This is a complete revision and should be reviewed in its entirety.

2. Cancellation. BUPERSINST 1730.11.

3. Scope and Applicability

a. This instruction applies to all active and reserve members of the Navy, including applicants for entry into the Navy and Navy Reserve, as well as midshipmen at the U.S. Naval Academy (USNA) and in the Naval Reserve Officers Training Corps (NROTC), and officers and officer candidates in Navy officer accession programs. Nothing in this instruction precludes disciplinary or administrative action for conduct that is proscribed by the Uniform Code of Military Justice or supporting policies.

16 Mar 2020

b. **Conscientious Objectors.** Conscientious objections are not covered under this instruction. See DoD Instruction 1300.06 (Conscientious Objector) of 12 July 2017.

c. **Peyote Use.** Peyote use is not covered under this instruction. See Assistant Secretary of Defense for Force Management Policy Memorandum of 25 April 1997, *Sacramental Use of Peyote by Native American Service Members*.

3. **Background.** This policy complies with references (a) and (b) and supports the Navy's culture of diversity, tolerance and inclusion. In line with section 2000bb-1 of Title 42, United States Code, requests for religious accommodation from a military policy, practice or duty that substantially burdens a Sailor's exercise of religion may be denied only when the military policy, practice or duty furthers a compelling government interest and is the least restrictive means available of furthering that compelling government interest. Religious liberty is more than freedom to worship. It includes the freedom to integrate one's religion into every aspect of one's life. When the policies or procedures of the Navy conflict with a Sailor's religious practices, the Navy works to support the Sailor's religious practices to the broadest extent possible within the bounds of military readiness, unit cohesion, good order, discipline, health and safety. Many religious practices such as (but not limited to) religious observances and dietary practices do not need a request for waiver of policy and can be accommodated at the command level.

4. **Roles and Responsibilities**

a. **Sailors.** Sailors seeking accommodation of a religious practice that requires a waiver of Navy policy ("requestors") must submit a request in writing to their commander, consistent with enclosure (1). Prospective accessions seeking accommodation of a religious practice that requires a waiver of Navy policy ("requestors") should use the accession source chain of command, consistent with subparagraph 5b, enclosure (1) and Table 2.

(1) A requestor must comply with the applicable policy, practice, direction or duty from which he or she is requesting a religious accommodation until the request is adjudicated. Additionally, commanders and commanding officers ("commanders") may temporarily modify or suspend a religious accommodation, consistent with subparagraph 5g.

(2) A requestor with an approved religious accommodation must inform his or her chain of command of the approved accommodation upon checking in to a new command or changing duties. A requestor must retain a copy of the approved accommodation and be able to produce it within five working days.

b. **Chaplains.** Command chaplains are responsible for advising and assisting commands with religious accommodation policy execution. In line with SECNAVINST 1730.7E, chaplains, assisted by Religious Program Specialists, provide for and facilitate religious requirements of Sailors and authorized users and advise commanders on command religious program matters throughout the Department of the Navy (DON).

16 Mar 2020

(1) A Navy chaplain will conduct an administrative interview for each religious accommodation request that requires a waiver of policy. Local chaplains should be used if available. Chaplains may use any means available to ensure the interview takes place promptly, such as telephone or video conference. The chaplain should use enclosure (2) during the interview and must produce a memorandum for the record consistent with enclosure (3).

(2) The chaplain will inform the Sailor or prospective accession that the interview is for the purpose of preparing a memorandum for the record and advising the command, and that the content of the interview is not privileged or confidential as defined in SECNAVINST 1730.9A and the Manual for Courts-Martial Military Rule of Evidence 503.

c. Commanders and Commanding Officers (CO). Commanders must process requests according to the timelines, routing and criteria set forth in this instruction.

(1) When forwarding a request for adjudication or appeal, commanders will use enclosure (4).

(2) Commanders must obtain the advice of a judge advocate and a chaplain prior to acting on a request that involves a waiver of Navy policy.

(3) Commanders will include a religious needs assessment upon check-in to the command in line with OPNAVINST 1730.1E to include identification of Sailors who may need previously-approved religious accommodation waivers reviewed.

d. Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO N1). CNO N1 is responsible for overseeing this religious accommodation policy and will review and act on religious accommodation requests that require waiver of Department of Navy (DON) policy and are routed to CNO N1 for approval as indicated in Tables 1 and 2.

5. Policy. In accordance with Article 0820 of United States Navy Regulations, 1990, commanders will provide maximum opportunity for the free exercise of religion by members of the naval service.

a. Standards-Based Approach. The Navy has a compelling governmental interest in mission accomplishment at the individual, unit and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order, discipline, health and safety. The military is a specialized community within the United States, governed by a discipline separate from the rest of society. All Navy personnel must expeditiously review and act on requests for religious accommodations. Many religious practices do not require an exception to Navy policy and can be accommodated at the command level. The term “religious practice” includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

16 Mar 2020

(1) Each request for religious accommodation must be reviewed on a case-by-case basis, giving consideration to the full range of facts and circumstances relevant to the specific request. Requests to accommodate religious practices should not be approved or denied simply because similar requests were approved or denied. The following factors should be considered:

- (a) applicable operational or regional policies,
- (b) importance of the military policy, practice or duty in terms of mission accomplishment, including military readiness, unit cohesion, good order, discipline, health, or safety,
- (c) importance of the practice to the requestor,
- (d) cumulative impact of repeated accommodations of a similar nature and
- (e) alternate means to fulfill the request.

(2) To comply with the intent of section 2000bb-1 of Title 42, U.S. Code, commanders and their staffs should remain objective in considering requests to accommodate religious practices. Commanders will not deny or recommend denial of a religious accommodation unless the denial or partial denial furthers a compelling governmental interest and is the least restrictive means of furthering that compelling government interest. It is essential that commanders articulate the factual basis underlying any compelling government interest and that they articulate why a recommended denial or partial denial is the least restrictive means available to the commander to protect the compelling government interest over the individual request. Factors to consider include (but are not limited to) whether approving the accommodation would:

- (a) pose a health or safety hazard (such as flammable materials or loose clothing that could become caught in a piece of equipment),
- (b) interfere with the wear or proper function of special or protective clothing or equipment (such as a respirator, protective helmet or communication gear) or
- (c) otherwise impair mission accomplishment, good order, discipline, morale or unit cohesion.

(3) Sometimes it is necessary for commanders to recommend an alternative manner by which the religious requirement may be met. For example, there may be options and resources not known to the member at the time of his or her request that might be known to the commander. Those alternatives should be discussed and offered to the member to determine if they might satisfy some or all of the member's religious requirement. Where appropriate, the chaplain memorandum may discuss alternative means available to address the requested accommodation.

16 Mar 2020

(4) Religious practices and corresponding approval authorities are listed in Table 1. Many religious practices, such as (but not limited to) religious observances and dietary practices do not need a request for waiver of policy and can be accommodated at the command level. Other religious accommodations may be approved by the first O-6 in the chain of command, whether the requestor's CO or Immediate Superior in Command (ISIC). Per reference (a), exceptions to Table 1 are not permitted without CNO N1 approval.

Type of Religious Practice	Authority
Religious observances per subparagraph 5d(1)	CO
Dietary practices per subparagraph 5d(2)	CO
Neat, conservative head covering in line with subparagraph 5d(4)(a), which requires waiver of uniform regulation provisions in reference (c)	Approvals authorized at O-6 CO/ISIC level. O-6 CO/ISIC send recommendation for disapproval directly to CNO N1
Unshorn hair on men in line with subparagraph 5d(4)(b), which requires waiver of uniform regulation provisions in reference (c)	O6 CO/ISIC send recommendation directly to CNO N1
Beard, which requires waiver of requirement for male Sailors to be clean shaven found in reference (c), in line with subparagraph 5d(4)(c)	O6 CO/ISIC send recommendation directly to CNO N1
Uniform, grooming or religious apparel waivers not authorized at the CO or O-6 CO/ISIC level in line with reference (c)	O-6 CO/ISIC send recommendation directly to CNO N1
Immunizations per subparagraph 5d(3)	O-6 CO/ISIC send recommendation directly to CNO N1
All other types of religious practices that require a waiver of Navy policy to support	O-6 CO/ISIC send recommendation directly to CNO N1

Table 1. Authorities and Religious Practices

Note 1: Pre-accession authority examples are listed below in subparagraph 5b.

16 Mar 2020

b. Accessions

(1) Navy accession sources, Navy Recruiting Command, Naval Service Training Command, USNA and U.S. Navy Bureau of Medicine and Surgery (BUMED), are the designated chains of command for pre-accession requests in line with Table 2. Accession source headquarters are responsible for ensuring active and reserve enlisted and officer accessions are informed of uniform and grooming standards and policies, as well as procedures for seeking religious accommodations. Accession source headquarters must document this opportunity in writing and ensure all accession requests for religious accommodation are adjudicated prior to entering service. The following language should be used to document the applicant understanding of the Navy's religious accommodation policy:

"I understand that Department of the Navy policy is to accommodate religious practices whenever possible, unless doing so would have an adverse impact on mission accomplishment, including military readiness, unit cohesion, good order, discipline or health and safety.

I understand accommodation of my religious practices cannot be guaranteed at all times. I understand that determination of military necessity rests entirely with my Navy chain of command, and that I will be expected to comply with the Navy's policy, practice or duty from which I am requesting accommodation unless and until approved by the designated authority.

I do NOT desire to request support for specific religious practices at this time

(Applicant Signature)

I DO desire to request support for the following religious practice(s):

(Type of Request)

(Applicant Signature)

Applicants requesting religious accommodation may not enlist or commission until they receive a final response in writing. Accession commands must immediately process the request in line with BUPERSINST 1730.11A (Standards and Procedures Governing the Accommodation of Religious Practices).

(Typed or Printed Name and Signature of Witnessing Recruiting Representative)"

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(2) Additionally, prospective accessions must be given the opportunity to route a religious accommodation request prior to departure for a Military Entrance Processing Station. Many pre-accession religious practices such as (but not limited to) religious observances and dietary practices do not need a request for waiver of policy and can be accommodated at the command level. Certain requests for religious accommodation may be approved by local commanders as listed in Table 2, below. Per reference (a), exceptions to this table are not permitted without CNO N1 approval.

Type of Religious Practice	Process	Notes
Religious observances	Route to RTC/OTCN CO for approval	RTC/OTCN CO send recommendation for disapproval directly to CNO N1
Dietary practices	Route to RTC/OTCN CO for approval	RTC/OTCN CO send recommendation for disapproval directly to CNO N1
Religious head covering during RTC/OTCN	RTC/OTCN CO may approve religious head covering during religious ceremonies/services only	If religious head covering during religious ceremonies/services only is not acceptable by applicant, then send to CNO N1
Unshorn hair on men in line with subparagraph 5d(4)(b), which requires waiver of uniform regulation provisions in reference (c)	RTC/OTCN CO send recommendation directly to CNO N1	
Any request for beards during RTC/OTCN	RTC/OTCN CO send recommendation directly to CNO N1	
Uniform, grooming or religious apparel accommodation that do not require waiver of DON policy	Route to RTC/OTCN CO for approval	Disapproval recommendations must be routed to CNO N1
Immunizations	RTC/OTCN CO may approve use of any available alternative vaccinations	If no alternative vaccines are available, then send recommendation directly to CNO N1
All other requests that require a waiver of Navy policy	Route to CNO N1	

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Table 2. Authorities and Religious Practices for Pre-Accession and Recruit Training

c. Timelines. For waivers of policy requiring adjudication at the commander or O-6 CO/ISIC level, final review and written notification to the requestor will be completed no later than 7 days from the date the requestor submitted the request to his or her immediate commander. Extensions for good cause may be granted by the Director, Military Personnel, Plans and Policy (OPNAV N13). Examples of good cause for an extension include operational necessity or lack of immediate access to a judge advocate or chaplain. All religious accommodation cases forwarded from an O-6 CO/ISIC or RTC/OTCN to CNO N1 for adjudication must be forwarded within 7 days from the date the requestor submitted the request to his/her immediate commander, and will be expeditiously adjudicated in line with references (a) and (b). To ensure timely and consistent adjudication of all requests, active and reserve Sailors will not submit a request for a religious accommodation that would require a waiver of Navy policy if they are expected to execute permanent change of station orders within 90 days. Written notification should be given to the requestor within 5 days upon any decision, modification, suspension or revocation of a waiver of policy.

d. Religious Practice Type

(1) Observances of Worship and Holy Days. Worship practices, holy days and Sabbath or similar religious observance requests will be accommodated except by necessity, consistent with mission accomplishment, U.S. Navy Regulations, and Navy Military Personnel Manual (MILPERSMAN) article 1731-010. These requests do not normally require a waiver of policy.

(2) Dietary Practices. Commanders should support religious dietary observances to the fullest extent possible. Commanders normally support religious dietary observances through a standard core menu that supports many religious dietary requirements or by issuing Meals Ready to Eat, Religious. In certain circumstances, commanders may consider other alternative solutions.

(3) Immunizations. The Navy requires immunizations for all Sailors, based on its compelling interest in mission accomplishment, including military readiness, unit cohesion, good order, discipline, health and safety. Local commanders should make a reasonable effort to acquire alternative vaccinations, when available, that meet both religious needs of Sailors and the Navy's immunization requirements as determined by BUMED. Refer to MILPERSMAN 1730-020 as needed. Medical waivers of immunization requirements not associated with religious belief will continue to be adjudicated by the health care provider as addressed in reference (d).

(4) Uniform and Grooming. Pursuant to subparagraph 5a above, to determine whether a religious accommodation might interfere with the accomplishment of the unit or individual mission(s), a commander should consider such factors as the safe and effective operation of weapons, work center equipment and machinery, as well as wear of protective clothing or equipment. Commanders should also state in the endorsement or approval how the religious accommodation may need to be modified in operational, non-operational or training environments.

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(a) Head Coverings. As delineated in Table 1, religious accommodations for Sailors on all duty types to wear neat and conservative religious head coverings such as (but not limited to) a hijab, turban, kufi, kippah or yarmulke may be authorized at the O-6 CO/ISIC level based upon the operational environment and in line with reference (c). Except in the case of safety or protective headgear required by a Sailor's duties, position or assignment, Sailors granted a religious accommodation for head coverings are not required to wear military headgear in addition to their religious head covering if such military headgear would violate their sincerely held religious beliefs.

(b) Unshorn/Long Hair. As delineated in Table 1, waivers of Navy policy for male Sailors on all duty types to wear unshorn/long hair must be sent to CNO N1 for decision.

(c) Beards. As delineated in Table 1, waivers of Navy policy for Sailors on all duty types to wear a beard must be sent to CNO N1 for decision. Approved unshorn beards must be worn in a neat and conservative manner. When a Sailor is authorized to wear a beard of greater than 2 inches in length, the beard must be rolled, tied and/or otherwise groomed to achieve a length not to exceed 2 inches when measured from the bottom of the chin.

(5) Deoxyribonucleic Acid (DNA) Specimen Sampling. Waiver requests from participation in DNA specimen collection should be forwarded to CNO N1 for final adjudication. BUMED will be consulted prior to final adjudication.

(6) Other Religious Accommodation Requests. All other religious accommodation requests requiring a policy waiver not specified under this section will be routed to CNO N1 via OPNAV N13 for adjudication.

e. Routing. For those requests that require a waiver of policy:

(1) A requestor seeking a waiver of Navy policy must submit a request in writing through his or her commander using the template at enclosure (1). The requestor must state the waiver sought and may elaborate on the sincerely-held religious beliefs or circumstances motivating the request.

(2) Every requestor seeking religious accommodation requiring a waiver of Navy policy must interview with a Navy chaplain. The chaplain will assess whether the requestor's religious beliefs appear sincerely-held, and will forward an evaluation to the commander using the templates provided in enclosures (2) and (3).

(3) Commanders will take appropriate action on requests to stay within the timelines in subparagraph 5(c). Requests forwarded by a commander to the O-6 CO/ISIC or to CNO N1 must include enclosures (1) through (4). There are no additional requirements.

(4) A copy of all waivers of uniform or grooming policy authorized at the O-6 CO/ISIC level must be forwarded via e-mail to OPNAV N13 for record keeping purposes at

ALTN_Navy_Religious_Accommodations@navy.mil. Requests forwarded from the O-6 CO/ISIC level to CNO N1 for adjudication must also be sent to that e-mail address. Forwarding waiver requests to OPNAV N13 via mail is highly discouraged and may potentially delay a decision for a Sailor.

(5) For commands that do not have regular Navy/Marine Corps Intranet e-mail accounts (e.g., overseas, sea duty or joint commands), e-mail OPNAV N13 at ALTN_Navy_Religious_Accommodations@navy.mil first before sending attachments.

(6) If the request contains personally identifiable information (PII), the request must be labelled and encrypted appropriately.

(7) A requester who reports directly to another U.S. military service must route religious accommodation requests to the authority specified in the policies of that military service. Sailors assigned to a joint command will route requests to their respective Navy Element Commander for approval or recommendation to CNO N1 as delineated in Table 1. In all circumstances, Sailors will adhere to the provisions set forth in subparagraph 4a.

(8) Questions from commands and requesters concerning religious accommodation requests may be referred to ALTN_Navy_Religious_Accommodations@navy.mil.

f. Appeals

(1) Appeals of command-level adjudication will be forwarded to the commander's O-6 CO/ISIC for adjudication. Appeals of O-6 CO/ISIC level adjudications will be forwarded to CNO N1 for adjudication within 15 days from the date the requester submits the appeal. Appeals of CNO N1 adjudications will be forwarded to the Chief of Naval Operations (CNO) for final adjudication, unless other direction is provided in reference (a) or (b).

(2) In the case of requests for waivers of uniform or grooming standards only, a denied request may be renewed upon a change in physical, operational, or geographical environment, or at any time when there is a change to pertinent policy. CNO N1 will determine whether a change in environment or policy material to the requested accommodation has occurred; this decision may not be appealed.

g. Approval Duration, Withdrawal, and Suspension. Religious accommodations are subject to review, suspension or revocation, in whole or in part, any time there is a change in the circumstances upon which the initial religious accommodation was based (e.g., new duty assignment, temporary duty, or other material change in circumstances). However, an approved religious accommodation remains in effect until the commander or future commander notifies the Sailor or candidate in writing that a compelling Government interest requires suspension or revocation of the accommodation. The written notification must include the nature of the changed circumstances and specify the reason for the revocation and the length of the suspension.

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(1) The authority to temporarily suspend a previously approved religious accommodation resides with the Sailor's CO, while the authority to permanently revoke a previously approved religious accommodation remains with CNO N1. A commander may suspend or initiate revocation of an approved religious accommodation only upon a determination that a compelling government interest requires such suspension or revocation and that no less restrictive means of furthering that compelling government interest are available. The decision to suspend or initiate revocation of an approved religious accommodation must be informed by the factors enumerated in this instruction.

(2) A commander may require immediate compliance with suspension of a religious accommodation only if necessary due to an imminent threat to health or safety. In any case in which there is no imminent threat, the Sailor or candidate must be given five business days to submit an appeal using the process described in subparagraph 5f(1). The religious accommodation will remain in effect until the appeal process is completed. When necessary, a Sailor may be assigned to temporary additional duty orders to protect him or her from circumstances that are incompatible with the religious accommodation while the appeal is being adjudicated.

(3) When there is a change in military duties or requirements, a commander may suspend a previously approved religious accommodation if the suspension furthers a compelling government interest and is the least restrictive means available to further that interest. For example, a Sailor with a grooming waiver authorizing him to wear a beard may be required to shave the beard to deploy to an area in which there is a high risk that the Sailor will have to don a gasmask. When the conditions that required the suspension are no longer present, the Sailor may resume the religious practice per the original waiver. There is no requirement for a Sailor to resubmit a request for a religious accommodation that has been suspended.

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000 through 13000 series per the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at <https://portal.secnave.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

7. Review and Effective Date. Per OPNAVINST 5215.17A, OPNAV N13 will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency and consistency with Federal, Department of Defense, SECNAV and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 5 years unless revised or cancelled in the interim, and will be reissued by the 5-year anniversary

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date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation following the guidance in OPNAV Manual 5215.1 of May 2016.



JOHN B. NOWELL, JR
Deputy Chief of Naval Operations
(Manpower, Personnel, Training,
and Education)

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via BUPERS/NAVPERSCOM Web site, <https://www.public.navy.mil/bupers-npc/reference/Pages/default.aspx>

SAMPLE REQUEST FOR WAIVER OF POLICY TO ACCOMMODATE A RELIGIOUS
PRACTICE (TEMPLATE)

(Date)

From: Rate or rank, as applicable, full name, branch and type of service as applicable
To: Appropriate authority per Table 1 or Table 2 (i.e., O-6 CO/ISIC or CNO N1)
Via: Appropriate authority per Table 1 or Table 2 (i.e., CO, O-6 CO/ISIC)

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (a) DoD Instruction 1300.17 of 10 February 2009
(b) SECNAVINST 1730.8
(c) BUPERSINST 1730.11
(d) Other references as needed

Encl: (1) Photograph or graphic (as needed to show the neat and conservative color, manner of wear, etc.)
(2) Optional enclosures (e.g., religious leader endorsement or research in applicable area)

1. Pursuant to references (a) through (c), I hereby request religious accommodation from Navy policy (use reference as needed) to ____ (describe the specific practice(s)) ____ due to my religious belief that ____ (paraphrase religious basis of the request) ____.

2. My request is based on my religious belief that _____ (provide a detailed explanation here as desired) _____ and reference enclosure (1) or (2) as needed/desired.

3. (Required statement) I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

(Signature)

16 Mar 2020

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor:			Interview Date:
Name:			Chaplain Interviewer:
Phone:			Phone:
Email:			E-mail:
Command:			Chaplain's Command:
Interview Preliminaries			
Yes	No	N/A	
			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.
			Applicant was notified that the interview is not confidential and will be used to advise the command.
			Chaplain explained to the applicant that confidential support can be received from another chaplain.
			Applicant has been granted a waiver for this practice previously.
			Applicant's Page 2 (NAVPERS 1070/602) reflects the belief cited in the application.
Type of Waiver Requested			
Yes	No	N/A	
			Uniform standards
			Grooming standards
			Immunization requirements
			DNA sampling
			Other (Please describe):
Interview			
Yes	No	N/A	
			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:
			1. Requestor was credible (consistently keeps tenets, practices, etc.).
			2. Requestor's demeanor and pattern of conduct are consistent with the request.
			3. Requestor participates in activities associated with the belief(s).
			4. Other persons supporting the claim are credible.
			5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.
			Alternate means of accommodating the practice were explored in the interview.
Process Checklist			
Yes	No	N/A	
			Chaplain has prepared a memorandum documenting the interview.
			Chaplain reviewed memorandum with applicant and provided a copy.
			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.
			Chaplain referred applicant to command to process request.

CHAPLAIN MEMORANDUM FOR THE RECORD (TEMPLATE)

From: [Chaplain's rank and name], CHC, USN
To: [Commanding Officer of requestor]

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE
BASED ON RELIGIOUS BELIEF ICO [REQUESTOR'S RANK, NAME]

Ref: (a) SECNAVINST 1730.8
(b) SECNAVINST 1730.9

1. (Requestor's rank and name) has submitted a request for accommodation of a religious practice per reference (a). Per BUPERSINST 1730.11A, I interviewed the requestor on (date). I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.
2. Nature of the request. (Provide a narrative summary of the request for religious accommodation and whether or not the requestor has previously had this or any other related request approved or denied)
3. Basis. (Identify the religious beliefs on which the accommodation request is based and provide a professional and objective opinion regarding the religious importance of the request to the member. Include the requestor's religion as listed on NAVPERS 1070/602 (Page 2).
4. Alternate Means. (Indicate alternate means of meeting the request)
5. Sincerity. (Assess the sincerity of the requestor. The memorandum should focus on the sincerity of the member's personal religious beliefs, including the information provided during the interview.)
6. My contact information is (telephone number and e-mail address).

[Signature]

Copy to:
(Rank and name of requestor)

RELIGIOUS ACCOMMODATION APPROVAL OR ENDORSEMENT (TEMPLATE)

(Date)

From: Appropriate authority per Table 1 or Table 2
To: Appropriate authority per Table 1 or Table 2
Via: As applicable with appropriate authority per Table 1 or Table 2

Subj: APPROVAL (or) APPROVAL/DISAPPROVAL RECOMMENDATION ICO (INSERT
NAME HERE) RELIGIOUS ACCOMMODATION

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8
(c) BUPERSINST 1730.11A
(d) Other references as needed including regional or operational policy

Encl: (1) Sailor/accession request of DD MMM YY
(2) Chaplain Memorandum and Interview Checklist
(3) Other enclosures as needed (e.g., operational or regional policy)

1. Per references (a) through (c)/(d), I am approving this request or I am forwarding this request recommending approval/disapproval in full or in part during the following environments (as applicable to the command):

- a. Operational recommendation:
- b. Non-operational recommendation:
- c. Training environment recommendation:

2. The following information was considered or is provided for consideration as applicable (articulate the factual basis underlying any compelling government interest and why the denial or partial denial is the least restrictive means available to protect the compelling government interest over the individual request):

a. The importance of the military policy, practice or duty from which religious accommodation is sought in terms of mission accomplishment, including:

- (1) Military readiness:
- (2) Unit cohesion:
- (3) Good order and discipline:
- (4) Health and safety:

Enclosure (4)

- b. The religious importance of the practice to the requestor.
 - c. The cumulative impact of repeated accommodations of religious practices of a similar nature.
 - d. Alternate means available to accommodate the practice in whole or in part.
3. Other pertinent issues or information associated with this request.
4. My point of contact (POC) for this matter is _____ (insert POC here) who can be reached at _____ (insert e-mail and telephone number here).
5. This approval/recommendation will be emailed to OPNAV N131 for review/decision within the timelines in reference (c). Otherwise, Commander should provide the timeline/waiver of timeline here as applicable.

(Signature)

Copy to:
OPNAV N131
Operational Commander(s),
Requestor, etc.

MILPERSMAN 1730-020

IMMUNIZATION EXEMPTIONS FOR RELIGIOUS BELIEFS

Responsible Office	OPNAV (N131)	Phone:	DSN COM	664-5015 (703) 604-5015
MyNavy Career Center		Phone: Toll Free	1-833-330-MNCC (6622)	
		E-mail:	askmncc@navy.mil	
		MyNavy Portal:	https://my.navy.mil/	

References	(a) DoD Instruction 1300.17 of 10 February 2009 (b) BUPERSINST 1730.11A (c) BUMEDINST 6230.15B (d) SECNAVINST 1730.9A (e) SECNAVINST 1920.6D
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1. **Policy.** The Navy requires immunizations for all Sailors, based on its compelling interest in the health and safety of the military workforce. Pursuant to references (a) and (b), religious exemptions of immunization requirements will include the justification and endorsements in paragraphs 4 and 5 of this article prior to routing to the Chief of Naval Personnel (CHNAVPERS) for decision. Non-religious medical waivers of immunization requirements will be adjudicated by the health care provider as addressed in reference (c).

2. **Authority.** Authority to grant medical waivers of immunization requirements is vested at the Bureau of Medicine and Surgery (BUMED). Authority to grant religious exemptions of immunization requirements is vested with CHNAVPERS.

3. **Application Procedure.** Service members requesting religious exemption of immunization requirements will forward their requests to CHNAVPERS via their commanding officers (CO) or immediate superiors in command. Submission guidance for commands is provided in reference (b).

4. **Contents of Service Member's Request.** The request will include the following information:

- a. Full name and grade,

b. Immunization(s) exemption requested and the reason why the exemption is needed, and

c. The following signed [NAVPERS 1070/613](#) Administrative Remarks, using the following format:

"I request a waiver of the (state the type) immunization. I hereby state that my request is based upon (religious objection to immunization or other reasons specifically described). I acknowledge having received the following counseling:

1. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

2. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

3. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

4. If my job duties change, I may need to route a new request.

5. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

Service Member's Signature

Witnessed:

5. **Content of Commander's Endorsement.** In line with reference (b), COs must endorse every request for religious accommodation through waiver of immunization requirements. The content of the endorsement must include:

a. An endorsement from a military chaplain in line with reference (d),

b. A recommendation to approve or disapprove the request,

c. Relevant information concerning the applicable operational or regional policies,

d. Negative effect (if any) on mission accomplishment (i.e., military readiness, unit cohesion, good order, discipline, health, and safety),

e. The number of Service members in the command that have been granted a similar exemption for non-religious purposes, and

f. When recommending denial of the request, a determination that the denial furthers a compelling governmental interest (such as those identified in subparagraph 5d above), and that there is no less restrictive means of accommodating the request, such as an available alternative vaccination that meets both the religious need and the Navy's immunization requirements as determined by BUMED.

6. **Applicant Counseling.** COs will ensure applicants are counseled concerning the following, in line with subparagraph 4c above:

a. The additional risk to health on exposure to disease against which the applicant will not be protected by a military physician who informs Service member of diseases concerned, and benefits and risks of vaccine;

b. The possibility that the applicant may be detained during travel across international borders due to international health regulations; and

c. The possibility that individuals granted such exemptions may have their waivers revoked if they are at imminent risk of disease (e.g., exposure to anthrax, measles, cholera, etc.) or due to international health regulations.

7. **Revocation of Waiver by CO.** COs may, without prior approval, revoke a Service member's authorized immunization waiver in the event of imminent risk of disease due to exposure or as a result of international health regulations incident to foreign travel. If a Service member's immunization waiver is revoked, such action must be reported to CHNAVPERS and BUMED Public Health and Safety Division (M44) by message as soon as possible.

8. **Administrative and Disciplinary Actions**

a. In line with reference (a), Service members submitting requests for religious accommodations will comply with the

policy, practice, or duty from which they are requesting accommodation, unless or until the request is approved.

b. Service members whose waivers have been disapproved, or those who refuse to take immunizations without approved waivers, may be subject to administrative and or disciplinary actions, as deemed appropriate by COs, for violation of a lawful order.

c. Actions include:

(1) Formal counseling and warning recorded on [NAVPERS 1070/613](#),

(2) Nonjudicial punishment,

(3) Court-martial, or

(4) Processing for administrative separation.

d. See [MILPERSMAN 1910-120](#), [1910-142](#), [1910-164](#), and [1910-402](#) for guidance on enlisted separations. See reference (d) for officer separations.



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

AUG 24 2021

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members

To defend this Nation, we need a healthy and ready force. After careful consultation with medical experts and military leadership, and with the support of the President, I have determined that mandatory vaccination against coronavirus disease 2019 (COVID-19) is necessary to protect the Force and defend the American people.

Mandatory vaccinations are familiar to all of our Service members, and mission-critical inoculation is almost as old as the U.S. military itself. Our administration of safe, effective COVID-19 vaccines has produced admirable results to date, and I know the Department of Defense will come together to finish the job, with urgency, professionalism, and compassion.

I therefore direct the Secretaries of the Military Departments to immediately begin full vaccination of all members of the Armed Forces under DoD authority on active duty or in the Ready Reserve, including the National Guard, who are not fully vaccinated against COVID-19.

Service members are considered fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine or two weeks after receiving a single dose of a one-dose vaccine. Those with previous COVID-19 infection are not considered fully vaccinated.

Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA), in accordance with FDA-approved labeling and guidance. Service members voluntarily immunized with a COVID-19 vaccine under FDA Emergency Use Authorization or World Health Organization Emergency Use Listing in accordance with applicable dose requirements prior to, or after, the establishment of this policy are considered fully vaccinated. Service members who are actively participating in COVID-19 clinical trials are exempted from mandatory vaccination against COVID-19 until the trial is complete in order to avoid invalidating such clinical trial results.

Mandatory vaccination requirements will be implemented consistent with DoD Instruction 6205.02, "DoD Immunization Program," July 23, 2019. The Military Departments should use existing policies and procedures to manage mandatory vaccination of Service members to the extent practicable. Mandatory vaccination of Service members will be subject to any identified contraindications and any administrative or other exemptions established in Military Department policy. The Military Departments may promulgate appropriate guidance to carry out the requirements set out above. The Under Secretary of Defense for Personnel and

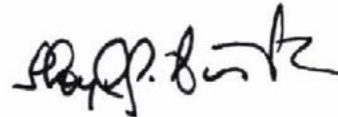


OSD007764-21/CMD010116-21

Readiness may provide additional guidance to implement and comply with FDA requirements or Centers for Disease Control and Prevention recommendations.

The Secretaries of the Military Departments should impose ambitious timelines for implementation. Military Departments will report regularly on vaccination completion using established systems for other mandatory vaccine reporting.

Our vaccination of the Force will save lives. Thank you for your focus on this critical mission.

A handwritten signature in black ink, appearing to read "Robert M. Gates". The signature is stylized with a large, looped 'R' and a distinct 'G'.



THE ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

AUG 25 2021

MEMORANDUM FOR ASSISTANT SECRETARIES OF THE NAVY
CHIEF OF NAVAL OPERATIONS
COMMANDANT OF THE MARINE CORPS

SUBJECT: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members

References: (a) Secretary of Defense Memorandum, "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members," August 24, 2021
(b) DoD Instruction 6205.02, "DoD Immunization Program," July 23, 2019

Reference (a) mandates vaccination against coronavirus disease 2019 (COVID-19) for all Service members on active duty and in the Ready Reserve, who are not fully vaccinated against COVID-19.

Service members are considered fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine or two weeks after receiving a single dose of a one-dose vaccine. Those with previous COVID-19 infections are not considered fully vaccinated.

The Services are requested to provide ASN M&RA plans to implement COVID-19 inoculations to the Force by Thursday, September 2, 2021, for consolidation and DON messaging. The plans should include a completion timeline and be consistent with reference (b) processes to address medical and administrative exemptions (including religious or other exemptions).

The Surgeon General of the Navy is requested to coordinate with the Surgeons General of the other Military Departments and the U.S. Coast Guard to assist in updating the Joint Regulation on Immunization and Chemoprophylaxis for the Prevention of Infectious Diseases to include the vaccination for COVID-19.

Department of the Navy personnel within the Secretariat or otherwise not under the authority of the Chief of Naval Operations or the Commandant of the Marine Corps will also adhere strictly to the provisions of reference (a) and additional guidance, when issued.

The Department of the Navy remains committed to protecting our people. Vaccinating our Service members will help to prevent the spread of COVID-19 and further ensure the readiness of the Force.

The point of contact is

(b) (6)

Robert D. Hogue
Acting

Distribution:
ASN (EI&E)
ASN (FM&C)
ASN (M&RA)
ASN (RD&A)
ACMC

**SUBJECT: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense
Service Members**

VCNO

DUSN

GC

AUDGEN

CHINFO

CNR

DMCS

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DON CIO

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BUMED (SG)

Echelon 1 and 2 Commands

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CNO WASHINGTON DC
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ALNAV 062/21

MSGID/GENADMIN/SECNAV WASHINGTON DC/-/AUG//

SUBJ/2021-2022 DEPARTMENT OF NAVY MANDATORY COVID-19 VACCINATION POLICY//

REF/A/DOC/SECDEF/24AUG21//

AMPN/REF A IS THE OFFICE OF THE SECRETARY OF DEFENSE MEMO MANDATING
CORONAVIRUS DISEASE 2019 VACCINATION FOR DEPARTMENT OF DEFENSE SERVICE
MEMBERS//

RMKS/1. Protecting the health of the force and warfighting readiness is of paramount importance. I thank and applaud all of you who have become fully vaccinated. Your action helps to ensure the health and safety of you, your family, your shipmates, and your mission.

2. Coronavirus disease 2019 (COVID-19) adversely impacts Department of the Navy (DON) force readiness and mission execution. Disease models indicate that Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), the virus that causes COVID-19, will continue to spread throughout 2021.

3. Vaccination is the most effective tool we have to prevent widespread manifestation of COVID-19 in our force. Within the last year, millions of Americans have received approved COVID-19 vaccines in response to this emergency. One of the approved vaccines has received full licensure from the Food and Drug Administration (FDA). This licensure approval provides additional confidence and comfort in the safety of the most effective tool we have in our arsenal against this threat. Considering this threat to the health and readiness of Service Members, vaccination against COVID-19 using a vaccine that has received full licensure from the FDA is now a mandatory requirement in accordance with reference (a). Additional implementation guidance will be issued via Navy and Marine Corps administrative message.

4. As the faithful maritime protectors of our country in peacetime and war, each of us must take ownership of our readiness to preserve and protect the force, and ensure the success of our mission. Effective immediately, all DON

active duty Service Members, who are not already vaccinated or exempted, are required to be fully vaccinated within 90 days and all Reserve Component Service Members are required to be fully vaccinated within 120 days of this issuance with an FDA approved vaccination against COVID-19. Service Members voluntarily immunized with a COVID-19 vaccine under FDA Emergency Use Authorization or World Health Organization Emergency Use Listing in accordance with applicable dose requirements prior to, or after, the establishment of this policy are considered fully vaccinated. Service Members who are actively participating in COVID-19 clinical trials are exempted from mandatory vaccination against COVID-19 until the trial is complete in order to avoid invalidating such clinical trial results.

5. The order to obtain full vaccination is a lawful order, and failure to comply is punishable as a violation of a lawful order under Article 92, Uniform Code of Military Justice, and may result in punitive or adverse administrative action or both. The Chief of Naval Operations and Commandant of the Marine Corps have authority to exercise the full range of administrative and disciplinary actions to hold non-exempt Service Members appropriately accountable. This may include, but is not limited to, removal of qualification for advancement, promotions, reenlistment, or continuation, consistent with existing regulations, or otherwise considering vaccination status in personnel actions as appropriate.

6. Additional guidance will be provided with regard to reporting requirements of vaccination numbers on a weekly basis to Assistant Secretary of the Navy (Manpower & Reserve Affairs).

7. Released by the Honorable Carlos Del Toro Secretary of the Navy.//

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TO NAVADMIN
INFO SECNAV WASHINGTON DC
CNO WASHINGTON DC
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NAVADMIN 042/22

MSGID/NAVADMIN/CNO WASHINGTON DC/CNO/FEB//

SUBJ/UPDATED COVID CONSOLIDATED DISPOSITION AUTHORITY DATA REPORTING
REQUIREMENTS AND LESSONS LEARNED//

REF/A/NAVADMIN/OPNAV/011621ZNOV21//
REF/B/DOC/BUPERS/16MAR20//
REF/C/NAVADMIN/OPNAV/151203ZDEC21//

NARR/REF A IS NAVADMIN 249/21, CCDA DATA REPORTING REQUIREMENTS.
REF B IS BUPERSINST 1730.11A, STANDARDS AND PROCEDURES GOVERNING THE
ACCOMMODATION OF RELIGIOUS PRACTICES.
REF C IS NAVADMIN 283/21, CCDA EXECUTION GUIDANCE TO COMMANDERS.

RMKS/1. This NAVADMIN updates reference (a) guidance to Commanders for
reporting unvaccinated Navy service members.

2. To ensure accurate accounting of personnel who have not received the
COVID-19 vaccination for any reason, all Commanders are directed to ensure
that every unvaccinated Navy service member under their command is accurately
reported in accordance with reference (a) as modified by this
NAVADMIN. Commanders shall not report non-Navy service members under their
command.

3. Reporting

3.a. The vaccination status of many service members has changed since
initially reported. In all such cases, Commanders are directed to update
reporting on those individuals in line with reference (a) and this NAVADMIN.

3.b. Submit updated data via the Department of the Navy (DON) COVID Tracking
Site at <https://portal.secnav.navy.mil/cop/crc/covid/>. Echelon 1 and 2
Commanders shall compile and provide the data directed in paragraph 3 of
reference (a) on all Navy service members who are not fully
vaccinated. Submission may be delegated to subordinate echelon 3
commands. An updated template excel file is available at the MyNavy Portal

site at <https://www.mnp.navy.mil/group/navy-covid-19-reporting> and shall be used for reporting. Commands will also ensure that the Medical Readiness Reporting System (MRRS) is updated to be consistent with information submitted to the DON COVID Tracking Site.

4. Categories

4.a. Unvaccinated, refuser: Navy service members who have not received the COVID-19 vaccine and do not have a pending or approved exemption request.

4.b. Unvaccinated, vaccination series started but not complete: Navy service members who have received the first of a two shot series, but have not yet received the second shot. Service members who exceed the recommended timeline for the second shot by more than five days shall be updated as *unvaccinated, refuser* unless they meet the requirements of another reporting category, in which case they shall be updated to the appropriate category.

4.c. Unvaccinated, pending medical exemption: Navy service members who have had a military medical provider (MMP) submit a medical exemption request on their behalf. Commanders shall only report service members in this category if they have communication from a MMP confirming the MMPs request for a permanent exemption to a medical flag officer approving authority on behalf of the service member. Note that because temporary medical exemptions are determined by a local MMP, they will not be reported in this category since they are either approved or disapproved at the point of care. If approved, Commanders shall update the reporting category to *unvaccinated, approved medical exemption* as soon as practical. If disapproved, Commanders shall update reporting to the appropriate category based on the member's vaccination status.

4.d. Unvaccinated, approved medical exemption: Navy service members who have received approval of a vaccine exemption to accommodate a medical condition. This applies to both permanent and temporary approvals. When a temporary medical exemption expires, Commanders shall update reporting to the appropriate category based on the members vaccination status.

4.e. Unvaccinated, pending religious accommodation: Navy service members who have submitted a vaccine exemption request (or appeal) to accommodate a religious practice. Commanders shall only report service members in this category if they have forwarded the request (or appeal) to OPNAV N131 and received an acknowledgement as outlined in paragraph 5 below. If approved, Commanders shall update the reporting category to *unvaccinated, approved religious exemption* as soon as practical. If disapproved and vaccination has not commenced within 5 days, Commanders shall update reporting to *unvaccinated, refuser* at that point unless another category applies, in which case reporting shall be updated to the appropriate category.

4.f. Unvaccinated, approved religious exemption: Navy service members who

have received approval of a vaccine exemption request (or appeal) to accommodate a religious practice.

4.g. Unvaccinated, has not had access to vaccination due to operational schedule and/or remote location: Navy service members who have not had the opportunity to be vaccinated for operational reasons as endorsed by their Commander. Service members who do not initiate vaccination within five days upon completion of duty which precluded vaccination shall be updated as *unvaccinated, refuser* unless they meet the requirements of another reporting category, in which case they shall be updated to the appropriate category.

4.h. Vaccination series complete, previously reported as unvaccinated: Navy service members who were initially reported as unvaccinated, but have since received the complete COVID-19 vaccination series. Commanders shall report this status as soon as practical after the vaccine series is complete. It is important to note that this category is new since reference (a) was transmitted.

5. Additional guidance

5.a. Commanders shall submit religious accommodation exemption requests in line with reference (b) by emailing ALTN_Navy_Religious_Accommodations@navy.mil. Commands should receive e-mail acknowledgement of receipt from OPNAV N131 within 48 hours. If the command has not received acknowledgement, including those requests which were previously submitted at any time in the past, e-mail the above address to ensure the religious accommodation waiver request was received by OPNAV N131. For additional information regarding procedures governing the accommodation of religious practices policy and templates, please visit <https://www.mynavyhr.navy.mil/Support-Services/Religious-Accommodations/>.

5.b. Each Commander is responsible for accurate and timely reporting of data on all unvaccinated Navy service members under their command to precisely reflect all required fields, including demographic and command information in addition to the members DoD ID number and duty status, even if the data is being compiled at higher echelons. Note that there are three choices for duty status - *active component*, *full-time support* (full-time support and training and administrative of the reserve) and *selected reserve* (SELRES). For SELRES Sailors on active duty orders, indicate *selected reserve* as duty status.

5.c. In cases where service members have transferred, the previous command must coordinate with the gaining command to ensure that the CCDA data reporting requirements of reference (a) and this NAVADMIN are complete and accurate.

6. Reference (c) provides direction with respect to administrative separation due to refusing the vaccine. Commanders shall submit required

reports within reference (c) directed timelines upon determination that a Navy service member is refusing the vaccine.

7. Point of contact. OPNAV POC: CAPT Jason Grizzle, e-mail:
ALTN_N1_NAVY_SCR.FCT(AT)NAVY.MIL.

8. Released by VADM John B. Nowell, Jr, Chief of Naval Personnel.//

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ROUTINE
R 302215Z MAR 22 MID200001622241U
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NAVADMIN 083/22

PASS TO OFFICE CODES:
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SUBJ/CCDA INTERIM GUIDANCE REGARDING MEMBERS REQUESTING RELIGIOUS
ACCOMMODATION FROM COVID-19 VACCINATION REQUIREMENTS//

REF/A/MSG/CNO/311913ZAUG21//
REF/B/MSG/CNO/132050Z OCT21//
REF/C/MSG/CNO/152239Z NOV21//
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REF/J/DOC/BUPERINST 1730.11A/16MAR20//
REF/K/DOC/OPNAV/15AUG20//
REF/L/MSG/CNO/152351Z JAN22//

NARR/REF A IS NAVADMIN 190/21, 2021-2022 NAVY MANDATORY COVID-19 VACCINATION
AND REPORTING POLICY.

REF B IS NAVADMIN 225/21, COVID-19 CONSOLIDATED DISPOSITION AUTHORITY (CCDA).

REF C IS NAVADMIN 256/21, CCDA GUIDANCE TO COMMANDERS.

REF D IS NAVADMIN 283/21, CCDA EXECUTION GUIDANCE TO COMMANDERS.

REF E IS THE SECRETARY OF THE DEFENSE MEMO MANDATING CORONAVIRUS DISEASE 2019
VACCINATION FOR DEPARTMENT OF DEFENSE SERVICE MEMBERS.

REF F IS ALNAV 062/21, 2021-2022 DEPARTMENT OF THE NAVY MANDATORY COVID-19
VACCINATION POLICY.

REF G IS MANUAL OF THE MEDICAL DEPARTMENT, NAVMED P-117, ARTICLE 15-
105(3)(n)(9).

REF H IS TRIDENT ORDER NUMBER 12, MANDATORY VACCINATION FOR COVID-19.

REF I IS U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS ORDER ON
MOTIONS FOR CLASS CERTIFICATION AND CLASS-WIDE PRELIMINARY INJUNCTION.

REF J IS BUPERSINST 1730.11A, STANDARDS AND PROCEDURES GOVERNING THE

ACCOMMODATION OF RELIGIOUS PRACTICES.

REF K IS MILPERSMAN 1730-020, IMMUNIZATION EXEMPTIONS FOR RELIGIOUS BELIEFS.
REF L IS NAVADMIN 07/22, U.S. NAVY COVID-19 STANDARDIZED OPERATIONAL GUIDANCE 5.0.

RMKS/1. Purpose. To provide interim guidance regarding the actions directed in references (A) through (H) for Navy service members who requested religious accommodation from the COVID-19 vaccination requirement and who were certified by the U.S. District Court order in reference (I) as members of a class action in the case of U.S. Navy SEALs 1-26, et al., versus Secretary of Defense Lloyd J. Austin, III, et al..

2. Policy. To ensure immediate compliance with the court order in reference (I), this NAVADMIN suspends separation processing and adverse administrative consequences of COVID-19 vaccine refusal for Navy service members who submitted requests for religious accommodation from the COVID-19 vaccine requirement. IAW a recent decision of the U.S. Supreme Court, the Navy may continue to consider the unvaccinated status of Navy service members when making deployment, assignment, and other operational decisions.

3. Applicability. This NAVADMIN applies only to Navy service members who submitted requests for religious accommodation from the COVID-19 vaccine requirement IAW references (J) and (K). Adverse administrative consequences and separation processing described in references (A) through (H) continue to apply for personnel who did not submit requests for religious accommodation.

4. Action. All adverse administrative consequences of refusing the vaccine, described in references (A) through (H), including involuntary administrative separation, are hereby suspended for personnel who submitted religious accommodation requests IAW references (J) and (K), pending further guidance.

4.a. In cases where commands have received formal direction to involuntarily separate members within ten days based on misconduct (vaccine refusal) and those members have not yet separated, DD-214s shall not be issued and members are directed to remain on active duty, pending additional guidance. Commands must communicate with the servicing Personnel Support Detachment or equivalent in order to halt processing. Additionally, commands shall inform Navy Personnel Command PERS-832 (enlisted), PERS-834 (officers), or PERS-913 (SELRES) in cases where service members awaiting separation still desire to separate.

4.b. Voluntary resignation, retirement, regular service expiration (EAOS), or other involuntary separations on bases other than misconduct for vaccine refusal may continue. Members who submitted requests for religious accommodation may cancel or amend previous voluntary retirement requests or requests to transfer to the Fleet Reserve. Time is of the essence for updated requests.

4.c. Additional guidance for other adverse administrative consequences

described in references (A) through (D) will be provided at a later date.

5. The Navy may continue to consider the unvaccinated status of Navy service members when making deployment, assignment, and other operational decisions. Navy service members who are not vaccinated, regardless of exemption status, may be temporarily or permanently reassigned based on mission requirements IAW previous guidance. Reference (L) (series) regarding the assignment of unvaccinated personnel to operational or deployable units continues to apply.

6. All unvaccinated Navy service members remain subject to screening testing against COVID-19, where required.

7. If in doubt as to how to adjudicate issues related to separation of a Navy service member consistent with this interim guidance, Commanders should seek guidance from their chain of command, their staff judge advocate, and/or the CCDA before acting. Commands without an assigned legal advisor may seek legal advice from a Region Legal Service Office. In all cases, Commanders are accountable to ensure the health and safety of their command while treating every Navy service member with dignity and respect.

8. Points of contact.

PERS-8 Active/FTS enlisted separations: *832vaccineadseps.fct(at)navy.mil*

PERS-8 Officer separations: *PERS-834(at)navy.mil*

PERS-8 Active/FTS/TAR enlisted retirements:

Enlisted_Active_Duty_Retirements(at)navy.mil

PERS-8 Active/FTS/TAR officer retirements: *pers_835_retirements(at)navy.mil*

PERS-8 Officer and enlisted promotion delays:

NPC_promotionwithholds.fct(at)navy.mil*

PERS-92 Officer and enlisted definite recalls: *PERS-92(at)navy.mil*.

PERS-9 Reserve enlisted separations: *913vaccineadseps.fct(at)navy.mil*.

PERS-97 Officer transitions: *cto.officer(at)navy.mil*

PERS-97 Enlisted transitions: *cto.enlisted(at)navy.mil*

OPNAV POC: CAPT Jason Grizzle, *ALTN_N1_NAVY_SCR.FCT(AT)NAVY.MIL*.

9. Released by VADM John B. Nowell, Jr, COVID Consolidated Disposition Authority.

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ROUTINE

R 111536Z APR 22 MID200001660830U

FM CNO WASHINGTON DC

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MSGID/NAVADMIN/CNO WASHINGTON DC/CNO/APR//

SUBJ/U.S. NAVY COVID-19 STANDARDIZED OPERATIONAL GUIDANCE 6.0(CORRECTED
COPY)//

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REF/L/MSG/CNO/231718ZAUG21//

NARR/REF A IS NAVADMIN 007/22, U.S. NAVY COVID-19 STANDARDIZED OPERATIONAL
GUIDANCE 5.0.

REF B IS NAVADMIN 161/21, UPDATED MASK GUIDANCE FOR ALL DOD INSTALLATIONS AND
OTHER FACILITIES.

REF C IS NAVADMIN 086/21, UPDATED GUIDANCE TO COMMANDERS ON ADJUSTING HEALTH
PROTECTION CONDITIONS AND BASE SERVICES DURING
COVID-19 PANDEMIC (CORRECTED COPY).

REF D IS USD P&R CONSOLIDATED DEPARTMENT OF DEFENSE CORONAVIRUS DISEASE 2019
FORCE HEALTH PROTECTION GUIDANCE AVAILABLE AT

<https://www.defense.gov/Explore/Spotlight/Coronavirus/Latest-DOD-Guidance/>.

REF E IS ASN M&RA MEMORANDUM ON DEPARTMENT OF THE NAVY GUIDANCE ON COVID-19
COMMUNITY LEVELS AND WORKPLACE SAFETY PROTOCOLS.

REF F IS NAVADMIN 289/21, GUIDANCE ENCOURAGING COVID-19 VACCINE BOOSTER.

REF G IS NAVADMIN 268/21, REQUIRED COVID-19 TESTING FOR UNVACCINATED SERVICE MEMBERS.

REF H IS NAVY AND MARINE CORPS PUBLIC HEALTH CENTER COVID-19 OMICRON VARIANT AND BOOSTER EFFECTIVENESS.

REF I IS NAVY AND MARINE CORPS PUBLIC HEALTH CENTER U.S. NAVY FORCE HEALTH PROTECTION WITH CONSIDERATIONS FOR VACCINE EFFICACY.

REF J IS NAVY AND MARINE CORPS PUBLIC HEALTH CENTER DOCUMENT ASSESSING REAL COVID-19 RISK.

REF K IS NAVADMIN 165/21, SOVEREIGN IMMUNITY POLICY.

REF L IS NAVADMIN 180/21, UPDATE TO COVID-19 REPORTING REQUIREMENTS.

POC/OPNAV/CAPT SHARIF CALFEE, (703) 571-2822//EMAIL:
SHARIF.H.CALFEE.MIL(AT)US.NAVY.MIL

RMKS/ 1. Purpose. This NAVADMIN provides updated COVID-19 Standing Operational Guidance (SOG 6.0), replaces reference (A) and cancels references (B) and (C).

2. SUMMARY: SOG 6.0 should be read in its entirety. Notable updates include guidance for unvaccinated personnel, actions taken for COVID-19 infected personnel and close contacts, and guidance for mask wearing underway. All units shall refer to references (D) and (E) for Health Protection Condition and masking guidance not contained in this NAVADMIN. Personnel safety of our sailors and civilians remains our driving focus. Vaccinations, vaccine boosters, command engagement, and personal accountability continue to form the foundation of our success. Every member of every command must take personal ownership and responsibility of the promulgated measures required to keep COVID-19 in check.

3. Applicability. This guidance applies to all service members (active duty and ready reserve) assigned to, or supporting, operational units as defined in paragraph 5.e below. Additionally, paragraph 7 (COVID-19 Testing) applies to all commands and paragraph 8 (Operating in a COVID-19 Environment) applies to all personnel onboard operational platforms. Non-operational forces, civilian employees and contractor personnel should follow the latest Department of Defense (DOD) Force Health Protection, Centers for Disease Control and Prevention (CDC), and state/local area guidance. Additionally, higher echelon Commanders guidance may apply.

4. Evolving Guidance. The CDC is the authority for COVID-19 measures on behalf of the general public. The Navy Surgeon General remains as the authority for Navy COVID-19 measures and advises the CNO on how best to apply CDC guidance across the spectrum of unique Navy operating environments, and may include additional measures not required by the general public. Accordingly, and except as noted below in this NAVADMIN, evolving CDC guidance related to virus behavior shall first be evaluated by the Navy Surgeon General prior to Fleet implementation. Questions regarding applicable COVID-19 measures may be directed to the point

of contact (POC) listed above.

5. Definitions. All CDC definitions regarding COVID-19 apply and are kept current on the CDC website (<https://www.cdc.gov>).

The following additional Navy definitions are provided:

5.a. Fully Vaccinated: Term for an individual who has completed a primary COVID-19 vaccine series as defined in reference (F). Term applies two weeks after the final dose is received. During the time period from initial dose until two weeks after the final dose, an individual is considered partially vaccinated.

5.b. Up-to-Date (UTD) COVID-19 Vaccination: Term for an individual who has received all CDC recommended COVID-19 vaccines, including booster dose(s) when eligible. UTD COVID-19 Vaccine and booster guidance is subject to change and is available on the CDC website.

5.c. High-Risk Personnel: Those individuals designated by a medical provider who meet CDC criteria for increased risk of severe illness. Qualifying conditions are included on the CDC website.

5.d. Commander: For the purposes of this NAVADMIN, the term Commander includes Commanding Officers, Officers-in-Charge, Masters, and Aircraft Commanders.

5.e. Operational and Non-Operational Forces: For the purposes of this NAVADMIN, operational forces and non-operational forces are defined by the applicable NCC. For operational forces, this might include deployed forces, forces in sustainment, or other operational elements that the NCC determines to fall within the intent and context of this NAVADMIN.

5.f. Restriction of Movement (ROM): DOD term for limiting personal interaction to reduce risk to a broader population. Personnel executing directed ROM remain in a duty status and will not be charged leave. ROM-sequester, when directed, is the Navy term for preemptive ROM in order to reduce risk of infection in advance of movement.

5.g. Health Protection Measures (HPM): Comprehensive term for mitigation measures that reduce the spread of COVID-19. This includes physical distancing, wearing of masks, and enhanced environmental cleaning and disinfection. Recommended HPMs are included on the CDC website.

5.h. Viral Test: For the purposes of this NAVADMIN, unless specifically stated otherwise, viral test may refer to either a test that measures the antigens (antigen test) or a test that measures viral RNA (Polymerase Chain Reaction (PCR) test).

5.i. Close Contact: A person who was less than 6 feet away from an infected person (laboratory-confirmed or a clinical diagnosis) for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5-minute exposures for a total of 15 minutes).

6. COVID-19 Infected Personnel and Close Contacts.

6.a. Actions for Personnel Suspected of Being Infected.

6.a.1. Symptomatic. Test immediately those individuals exhibiting COVID-19 symptoms. If symptomatic and positive, isolate the individual per paragraph 6.a.3 and identify close contacts per reference (D).

6.a.2. Close Contacts. Asymptomatic close contacts who have not received a vaccine booster should be tested 5 days after exposure, if testing is available (see paragraph 6).

If COVID-19 positive, refer to paragraph 6.a.3. If the asymptomatic close contact has received a vaccine booster, testing is not required. Close contacts who do not test positive for COVID-19 may remain on duty but must wear a mask for 10 days. If symptoms develop, test per paragraph

6.a.1.

6.a.3. Isolation. Isolate individuals who test positive for 5 days or until symptoms are clearing, whichever is longer, including 24 hours with no fever and without fever-reducing medication (day 0 is date of positive test or symptom onset, whichever occurred first). Isolation may be conducted either ashore or afloat. Once released, individuals will wear a mask for an additional 5 days (minimum 10 days total). No exit testing is required and, absent symptoms, prior positives should not be PCR-tested again for 90 days (per paragraph 7.c).

6.b. Actions for Unvaccinated Personnel.

6.b.1. To maintain Fleet readiness, all personnel assigned to operational Navy units shall be fully vaccinated. Unvaccinated personnel shall not execute orders to operational Navy units. Unvaccinated personnel shall not embark underway Navy vessels or aircraft; commanders of operational units shall temporarily reassign unvaccinated personnel from their commands with the concurrence of the first flag officer in the chain of command. Exceptions, if any, will be managed case-by-case by the applicable NCC and reported to the POC of this instruction.

6.b.2. Refer to medical providers unvaccinated individuals exhibiting COVID-19 symptoms for follow-on care. Identify close contacts per reference (D). Similarly, refer unvaccinated close contacts to medical providers. Treat vaccinated close contacts per paragraphs 6.a.2 above.

7. COVID-19 Testing.

7.a. Test Procurement. To ensure uninterrupted operations, and as feasible, commands will coordinate with their supporting supply activities to obtain testing supplies 60 days in advance of need. This should include additional tests required for U.S. testing of personnel during any anticipated port calls.

7.b. Testing of Unvaccinated Personnel. Unvaccinated personnel shall follow the testing requirements of reference (G), as amended in reference (D) and below in paragraph 7.c.

7.c. Testing of Individuals Previously Infected with COVID-19. Individuals previously infected with COVID-19 may be asymptomatic and continue to test positive by PCR test for up to 90 days from date of initial diagnosis due to the presence of persistent non-infectious viral fragments. Therefore, prior COVID-19 positives are exempt from testing protocols for 90 days from the earlier of symptom onset or first positive test (90-day rule). Individuals who exhibit new or persistent symptoms during that three-month period should be evaluated by a medical provider.

7.d. Surveillance / Ship-Wide Testing. Surveillance or ship-wide testing is not required or recommended and has previously identified large numbers of asymptomatic persistent positives.

7.e. Testing Priority. Personnel exhibiting COVID-19 like symptoms are the highest priority for testing. If testing asymptomatic close contacts per paragraph 6.a.2 or 8.g.2 will stress testing supplies, or if operations preclude testing (e.g., small, remote teams or depleted testing supplies), Commanders are authorized to forego testing asymptomatic close contacts. This prioritization is consistent with CDC guidance (<https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/prioritization.html>).

8. Operating in a COVID-19 Environment.

8.a. Up-to-date (UTD) COVID-19 Vaccination. Commanders should encourage UTD COVID-19 Vaccination of personnel at least 30-days prior to DEPOD movements or inter-fleet transfers.

8.b. Medical Screening. Medical screening will include newly reporting personnel and a command-wide monthly data review and assessment, as directed by the NCC. An additional pre-deployment screening will be completed 7 days prior to deployment. Medical screening shall be conducted by medical providers and reported to the unit Commander to assist in assessing risk and mitigations. Screening will include, at a minimum, vaccination and vaccine booster status, review and assessment of COVID-19 exposure history (those under the 90-day rule), and

underlying risk factors.

8.c. Military Sealift Command (MSC). MSC shall medically screen Civil Service Mariners (CIVMARs) and contract personnel for deployment on MSC vessels in accordance with existing MSC Quality Management System processes and procedures. Unvaccinated CIVMARs and contract personnel should not be assigned to operational units. Exceptions and associated mitigations will be approved by Commander, MSC.

8.d. Fully vaccinated High-Risk Personnel. The decision to operate and deploy with fully vaccinated high-risk personnel rests with the Commander, as advised by medical providers, who must report intentions to their immediate superior in command. High-risk personnel shall be PCR viral tested within 3 days prior to embarking.

8.e. Pre-Deployment ROM-sequester. Fully vaccinated personnel should not normally be required to ROM-sequester ahead of planned operations. ROM-sequester may be directed by the applicable NCC based upon Geographic Combatant Commander guidance and applicable host nation requirements.

8.f. Underway HPM. As a result of demonstrated vaccine effectiveness, a 100% fully vaccinated operational force and a healthy demographic, serious illness or death resulting from COVID-19 for fully vaccinated individuals is statistically very unlikely, and modeling contained in references (H), (I), and (J) indicates this will continue in the context of current variants. UTD COVID-19 Vaccination reduces the risk even further. However, the increasing contagious nature of evolving variants can result in unmanageable numbers of even mild symptomatic positives and may impose general health and operational unit risk, i.e. risk to force or risk to mission, regardless of symptom severity. The following HPM, at a minimum, are required:

8.f.1. Medical screening as outlined above in paragraph 8.b.

8.f.2. Masks. Following all inport periods, if less than 75% of the crew is UTD COVID-19 Vaccination Commanders should consult with medical professionals and consider mask wear for the first 10-days at sea. Similarly, Commanders should consider mask wear in response to the onset of onboard COVID-19.

8.f.3. Educate and reinforce the importance of self-monitoring for symptoms and prompt reporting.

8.f.4. Educate and reinforce the importance of frequent handwashing and social distancing, when possible.

8.f.5. Aggressively isolate COVID-19 positive individuals per paragraph 6 above.

8.f.6. Ensure adequate ventilation in spaces routinely manned.

8.f.7. Educate and reinforce focused cleaning efforts on high-touch surfaces, at least daily or more frequently, depending upon usage (e.g., tables, hatch latches, ladderwells, phones, watch console keyboards and buttons, toilets, faucets, sinks, etc.). Although remote, there is evidence of surface spread of COVID-19 and other viruses with similar symptoms.

8.g. Considerations for Adding or Relaxing HPM. NCCs and Commanders should consider for any unit the operational impact resulting from the number of sailors in isolation, either ashore or afloat, regardless of percentage of immunized personnel, UTD COVID-19 Vaccinations, or severity of symptoms. Commanders may elevate or relax HPM at any time, and retain the latitude to temporarily apply alternate HPM in lieu of isolation to support safe operations. An example might be a rapid spread that compels a Commander to employ asymptomatic or mildly symptomatic positives to manage watch-bill impact while recovering others in isolation, applying additional alternate measures as needed to minimize spread. The following should be considered before adjusting HPM:

8.g.1. Overall number of individuals in isolation and trend. The general rule of thumb for a COVID-19 outbreak trending in a favorable direction is that the number of those exiting isolation matches (flattening curve) or exceeds (lowering curve) those entering isolation, combined with the assessment that the total number of symptomatic individuals is manageable and improving, and watch-bill (operational) impact is manageable and improving.

8.g.2. If less than 75% of the total eligible crew is UTD COVID-19 Vaccinations, implement the requirements of 8.f.2. and consider a 5 day viral test for all close contacts per paragraph 6.a.2., regardless of vaccination status.

8.g.3. Proximity of a units access to shore and afloat Medical Treatment Facilities (MTF) within a medically relevant timeline, balanced with paragraph 7.e HPM and onboard trend. Rule of thumb is within 1-week of an MTF for 100 percent fully vaccinated crew with manageable case load, moving to a more restrictive 72 hours or less if a growing or concerning caseload, and moving to a less restrictive beyond 1-week, if small or no caseload.

8.h. Port Visits. Liberty is an important mission and should be pursued within the context of this NAVADMIN. Geographic NCCs (GNCC) will set conditions for foreign port off-base liberty in coordination with country teams and local authorities, taking into account host country requirements, vaccination and booster status, sovereign immunity per paragraph 9 below, COVID-19 prevalence and mission requirements.

8.i. Aircraft Operations. On a case-by-case basis, aircrews and aircraft maintainers may be exempt from this guidance in order to meet emergent operational or NATOPS currency requirements. Exemptions and mitigation plans must be approved by the Squadron Commander. For aviation units embarked on surface ships, mitigation plans will be coordinated with the ships health

protection plan and approved by the ships Commanding Officer.

8.j. Post-Deployment. Personnel returning to homeports from deployment shall follow CDC and U.S. Department of State travel and testing requirements. If return travel includes foreign countries, personnel shall follow the travel and testing requirements for those individual nations, subject to sovereign immunity concerns (see below). Updated travel information is on the following website:
<https://travel.state.gov>.

9. Sovereign Immunity.

9.a. It is U.S. Government policy to protect the sovereign immunity of warships, naval auxiliaries, and aircraft, including protecting crew information to the maximum extent possible. Within the context of COVID-19, host nations may request or require crew or ship information that exceeds that authorized by U.S. policy or international law. GNCCs will ensure appropriate training and guidance on protecting U.S. sovereign immunity and on the protection of health information as part of OPSEC/personal security.

9.b. GNCCs should endeavor to determine in advance those host nations that may challenge U.S. sovereign immunity and, as able, avoid them. See reference (K) for additional guidance. In all cases, GNCCs shall authorize the minimum information necessary in order to meet operational requirements. The Navy Declaration of Health (NAVMED 6210/3) is the only authorized form for providing health information to foreign officials. If required by the host nation, and with GNCC concurrence, Commanders, at their discretion, may include on the NAVMED 6210/3 that their unit is 100% vaccinated, those disembarking have tested negative within the required timeframe, and/or that those disembarking have received a vaccine booster.

9.c. Exceptions to Policy (ETP). On a case-by-case basis, and to support operations, OPNAV N3N5 may grant an ETP to mitigate the operational impact of host nation COVID-19 requirements. Any action that may constitute or require a waiver of sovereign immunity must be coordinated by the applicable GNCC with OPNAV N3N5 for ETP approval no later than 5 days ahead of need. To avoid precedence beyond COVID-19, any ETP will be messaged to the host nation as explicitly linked to the pandemic. Requests shall include justification for port selection; host nation mitigation and testing requirements; alternate port options; impact to mission if the request is denied; medical, legal, collection and privacy risk; and feedback from country team coordination.

Notifications and requests may be sent via record message traffic, email to the POC provided above, or both.

9.d. Guidance for Commanders. Per the direction of their GNCCs, Commanders shall comply with domestic and foreign quarantine regulations for port entry and document compliance on NAVMED 6210/3. Absent GNCC approval in advance,

Commanders will not submit to host nation COVID-19 testing nor provide individual or collective medical data, copies of health records, nor any supplementary or locally-demanded health forms, and shall not grant access to ship or crew health records or allow the same to be searched or inspected by host nations. If compelling circumstances require a Commander to acquiesce to additional host nation requirements without obtaining an ETP or GNCC concurrence (e.g., personnel emergency, weather avoidance), report the event and circumstances as soon as practicable to OPNAV N3N5 via the chain of command.

10. Reporting Procedures. Reporting procedures are amended as follows and will be incorporated in the next revision of reference (L). OPREP-3 Navy Blue messages for COVID-19 cases that do not result in death, request for assistance, or operational impact may instead be reported via SharePoint. If unable to report via SharePoint, a single daily OPREP-3 Navy Unit SITREP summarizing all COVID-19 cases onboard is required. SharePoint information is used to produce daily reports to Senior Navy Leadership.

11. Released by VADM W. R. Merz, Deputy Chief of Naval Operations for Operations, Plans, and Strategy, OPNAV N3/N5.//

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NAVADMIN 102/22

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SUBJ/CCDA ADDITIONAL GUIDANCE REGARDING MEMBERS REQUESTING RELIGIOUS
ACCOMMODATION FROM COVID-19 VACCINATION REQUIREMENTS//

REF/A/MSG/CNO/311913ZAUG21//
REF/B/MSG/CNO/132050ZOCT21//
REF/C/MSG/CNO/152239ZNOV21//
REF/D/MSG/CNO/151203ZDEC21//
REF/E/DOC/SECDEF/24AUG21//
REF/F/MSG/SECNAV/302126ZAUG21//
REF/G/DOC/BUMED/20OCT20//
REF/H/MSG/COMNAVSPECWARCOM/241857ZSEP21//
REF/I/DOC/US DIST CT N DIST TX/28MAR22//
REF/J/MSG/CNO/302215ZMAR22//
REF/K/DOC/BUPERS/11MAR22//
REF/L/DOC/OPNAV/15AUG20//
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REF/N/MSG/CNO/111536ZAPR22//
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REF/P/DOC/OPNAV/01APR19//
REF/Q/MSG/CNO/011621ZNOV21//
REF/R/MSG/CNO/221849ZFEB22//

NARR/REF A IS NAVADMIN 190/21, 2021-2022 NAVY MANDATORY COVID-19 VACCINATION
AND REPORTING POLICY.

REF B IS NAVADMIN 225/21, COVID-19 CONSOLIDATED DISPOSITION AUTHORITY
(CCDA).

REF C IS NAVADMIN 256/21, CCDA GUIDANCE TO COMMANDERS.

REF D IS NAVADMIN 283/21, CCDA EXECUTION GUIDANCE TO COMMANDERS.

REF E IS THE SECRETARY OF THE DEFENSE MEMO MANDATING CORONAVIRUS DISEASE 2019
VACCINATION FOR DEPARTMENT OF DEFENSE SERVICE MEMBERS.

REF F IS ALNAV 062/21, 2021-2022 DEPARTMENT OF THE NAVY MANDATORY COVID-19
VACCINATION POLICY.

REF G IS MANUAL OF THE MEDICAL DEPARTMENT, NAVMED P-117, ARTICLE 15-105
(3)(n)(9).

REF H IS TRIDENT ORDER NUMBER 12, MANDATORY VACCINATION FOR COVID-19.
REF I IS U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS ORDER ON
MOTIONS FOR CLASS CERTIFICATION AND CLASS-WIDE PRELIMINARY INJUNCTION.
REF J NAVADMIN 083/22, CCDA INTERIM GUIDANCE REGARDING MEMBERS REQUESTING
RELIGIOUS ACCOMMODATION FROM COVID-19 VACCINATION REQUIREMENTS.
REF K IS BUPERSINST 1730.11A CH-1, STANDARDS AND PROCEDURES GOVERNING THE
ACCOMMODATION OF RELIGIOUS PRACTICES.
REF L IS MILPERSMAN 1730-020, IMMUNIZATION EXEMPTIONS FOR RELIGIOUS BELIEFS.
REF M IS MILPERSMAN 1910-704, DETERMINING SEPARATION AUTHORITY.
REF N IS NAVADMIN 093/22, U.S. NAVY COVID-19 STANDARDIZED OPERATIONAL
GUIDANCE 6.0.
REF O IS MPM 1160-030, ENLISTMENTS AND REENLISTMENTS UNDER CONTINUOUS
SERVICE CONDITIONS.
REF P IS OPNAVINST 1160.8B, SELECTIVE REENLISTMENT BONUS PROGRAM.
REF Q IS NAVADMIN 249/21, CCDA DATA REPORTING REQUIREMENTS.
REF R IS NAVADMIN 042/22, UPDATED COVID CONSOLIDATED DISPOSITION AUTHORITY
DATA REPORTING REQUIREMENTS AND LESSONS LEARNED.

RMKS/1. Purpose. To provide additional guidance regarding the actions directed in references (a) through (h) for Navy service members who requested religious accommodation from the COVID-19 vaccination requirement. These service members were certified by the U.S. District Court order in reference (i) as members of a class action in the case of U.S. Navy SEALS 1-26, et al., versus Secretary of Defense Lloyd J. Austin, III, et al. This message supersedes and replaces guidance previously provided in reference (j).

2. Policy. To ensure compliance with the court order in reference (i), this NAVADMIN continues to suspend separation processing and certain adverse administrative consequences of COVID-19 vaccine refusal for Navy service members who submitted requests for religious accommodation from the COVID-19 vaccine requirement. In line with a recent decision of the U.S. Supreme Court, the Navy may continue to consider the unvaccinated status of Navy service members when making deployment, assignment, and other operational decisions.

3. Applicability. This NAVADMIN applies only to Navy service members who have submitted requests for religious accommodation from the COVID-19 vaccine requirement in line with references (k) and (l). Adverse administrative consequences and separation processing described in references (a) through (h) continue to apply for personnel who have not submitted requests for religious accommodation.

4. Action

4.a. Navy service members with approved or pending COVID-19 vaccination religious accommodation requests or appeals have not refused the vaccine as defined in references (b) and (c). As such, these service members shall not be processed for separation or be subject to adverse actions as outlined in references (a) through (h).

4.b. The following applies only to Navy service members whose request for religious accommodation from the COVID-19 vaccine requirement has been denied or disapproved on appeal.

4.b.1. Separation Processing.

4.b.1.a. Involuntary Separation Processing. Officer and enlisted involuntary separation processing is suspended. Reports of misconduct not already complete shall not be forwarded. In cases where commands have received formal direction to involuntarily separate members within ten days based on misconduct (vaccine refusal) and those members have not yet separated, DD-214s shall not be issued and members are directed to remain on active duty, pending additional guidance. Commands must communicate with the servicing Personnel Support Detachment or equivalent in order to halt processing. Additionally, commands shall inform Navy Personnel Command PERS-832 (enlisted), PERS-834 (officers), or PERS-913 (SELRES) in cases where service members awaiting separation still desire to separate.

4.b.1.b. Voluntary Separation. Voluntary resignation, retirement, or regular service expiration (EAOS) may continue. Members who submitted requests for religious accommodation may cancel or amend previous voluntary retirement requests or requests to transfer to the Fleet Reserve. Time is of the essence for updated requests. Members who previously submitted a voluntary resignation or retirement for 1 June 2022 or earlier who no longer wish to retire or resign must submit cancellation requests through NSIPS for final adjudication. In order to expedite processing, members and commands are directed to include "Cancellation of retirement or resignation request due to Religious Accommodation submission" in their corresponding NSIPS requests.

4.b.1.c. Other Involuntary Separation Bases. In cases involving a basis for involuntary separation other than COVID-19 vaccine refusal, separation processing shall continue on that distinct basis. The CCDA is no longer the enlisted separation authority for such separations. Determine separation authority per reference (m) and re-notify as required.

4.b.2. Fitness Reports and Evaluations. No new adverse fitness reports and enlisted evaluations relating to COVID-19 vaccine refusal shall be prepared or issued. Unexecuted (i.e. not transmitted to NPC) adverse fitness reports and enlisted evaluations relating to COVID-19 vaccine refusal should be discarded. Previously submitted adverse fitness reports and evaluations will not be considered adverse, and will be removed from permanent records until otherwise directed.

4.b.3. Bonus, Special Pays, and Incentive Pays. Bonuses, special pays and incentive pays are considered unearned for personnel who have been removed from assignment based on deployment and other operational decisions. Reference (c) provides guidance on required actions for members with unearned

bonuses, special pays and incentives.

4.b.4. Education and SkillBridge. Disqualification for educational benefits and SkillBridge participation is suspended.

4.b.5. Reenlistment and Extensions. Reenlistments and extensions are authorized. Effective immediately, Sailors previously denied reenlistment or extension opportunities due to CCDA policy contained in references (c) and (d) are authorized to reenlist or extend, so long as they remain retention eligible in all other respects as outlined in reference (o). Commands can use this NAVADMIN as authority to allow members to extend for a reasonable time if required to suspend separation processing. Per reference (p), members are reminded all eligibility requirements for Selective Reenlistment Bonuses (SRB) must be met, including a minimum 3-year reenlistment.

4.b.6. Promotion, Advancement, and Frocking. Promotion, advancement and frocking are authorized if existing promotion/advancement authority is in effect.

4.b.6.a. Withheld or Delayed Officer Promotions. Promotion recommendations will be routed for SECNAV determination in line with SECNAVINST 1420.3 or 1412.6M, as applicable.

4.b.6.b. Withdrawn or Withheld Enlisted Advancements. Enlisted Sailors will be eligible for the next advancement cycle or board. Promotion, advancement and frocking are authorized if existing promotion/advancement authority is in effect.

4.b.7. Warfare Qualifications, Additional Qualification Designators (AQDs), and Navy Enlisted Classifications. The warfare qualifications, AQDs, NECs, and sub-specialties of Navy service members are important considerations when making deployment, assignment, and other operational decisions involving those members. Community sponsor flag officers remain authorized to consider the unvaccinated status of a Navy service member when deciding to award or remove a warfare qualification, AQD, NEC, or sub-specialty. Any decision to award or remove a warfare qualification, AQD, NEC, or sub-specialty should consider the impact of the members unvaccinated status on performing the mission and duties associated with the warfare qualification, AQD, NEC, or sub-specialty, and should remain consistent with current community policies and normal practices for Navy service members who do not maintain deployability or individual readiness. These decisions must remain administrative rather than punitive.

4.b.8. Detachment for Cause. Detachment for cause for COVID-19 vaccine refusal is not authorized. Reassignment decisions, including decisions to relieve members of their assigned duties, remain an operational decision subject to the discretion of the cognizant commander. Previously executed detachments for cause will not be considered adverse at this time, will be removed from permanent records until otherwise directed, and shall not be

commented on in subsequent fitness reports or evaluations.

4.b.9. Reserve Affiliation. Navy service members otherwise separating from active service may apply for affiliation with the Reserve Component.

5. Transfer and Assignment. The Navy will continue to consider the unvaccinated status of Navy service members when making deployment, assignment, and other operational decisions. Reference (n) (series), regarding the assignment of unvaccinated personnel to operational or deployable units, continues to apply.

6. Screening Testing. All unvaccinated Navy service members remain subject to screening testing against COVID-19, where required.

7. Reporting. Database reporting in line with reference (q) continues to apply. Commanders are directed to continue updating the CCDA database with the appropriate entry each time there is a change in vaccination status.

8. Accommodation Request Receipt. In the case of all previously submitted religious accommodation requests, if a command did not receive confirmation of receipt from OPNAV N131, send an email with the members identifying information to the Religious Accommodations Program Manager at [ALTN_Navy_Religious_Accommodations\(at\)navy.mil](mailto:ALTN_Navy_Religious_Accommodations(at)navy.mil).

9. If in doubt as to how to adjudicate issues related to this guidance, Commanders should seek guidance from their chain of command, their staff judge advocate, and/or the CCDA before acting. Commands without an assigned legal advisor may seek legal advice from a Region Legal Service Office. In all cases, Commanders are accountable to ensure the health and safety of their command while treating every Navy service member with dignity and respect.

10. Points of contact.

PERS-8 Active/FTS enlisted separations: [*832vaccineadseps.fct\(at\)navy.mil](mailto:*832vaccineadseps.fct(at)navy.mil)*

PERS-8 Officer separations: [*PERS-834\(at\)navy.mil](mailto:*PERS-834(at)navy.mil)*

PERS-8 Active/FTS/TAR enlisted retirements:

[*Enlisted_Active_Duty_Retirements\(at\)navy.mil](mailto:*Enlisted_Active_Duty_Retirements(at)navy.mil)*

PERS-8 Active/FTS/TAR officer retirements: [*pers_835_retirements\(at\)navy.mil](mailto:*pers_835_retirements(at)navy.mil)*

PERS-8 Officer and enlisted promotion delays:

[*NPC_promotionwithholds.fct\(at\)navy.mil](mailto:*NPC_promotionwithholds.fct(at)navy.mil)*

PERS-92 Officer and enlisted definite recalls: [*PERS-92\(at\)navy.mil](mailto:*PERS-92(at)navy.mil)*

PERS-9 Reserve enlisted separations: [*913vaccineadseps.fct\(at\)navy.mil](mailto:*913vaccineadseps.fct(at)navy.mil)*

PERS-97 Officer transitions: [*cto.officer\(at\)navy.mil](mailto:*cto.officer(at)navy.mil)*

PERS-97 Enlisted transitions: [*cto.enlisted\(at\)navy.mil](mailto:*cto.enlisted(at)navy.mil)*

BUPERS-32 Selective Reenlistment Bonuses: [*mill_incen_pays.fct\(at\)navy.mil](mailto:*mill_incen_pays.fct(at)navy.mil)*

OPNAV POC: CAPT Jason Grizzle, [*ALTN_N1_NAVY_SCR.FCT\(AT\)NAVY.MIL](mailto:*ALTN_N1_NAVY_SCR.FCT(AT)NAVY.MIL)*

11. Released by VADM John B. Nowell Jr, N1, COVID Consolidated Disposition Authority.

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